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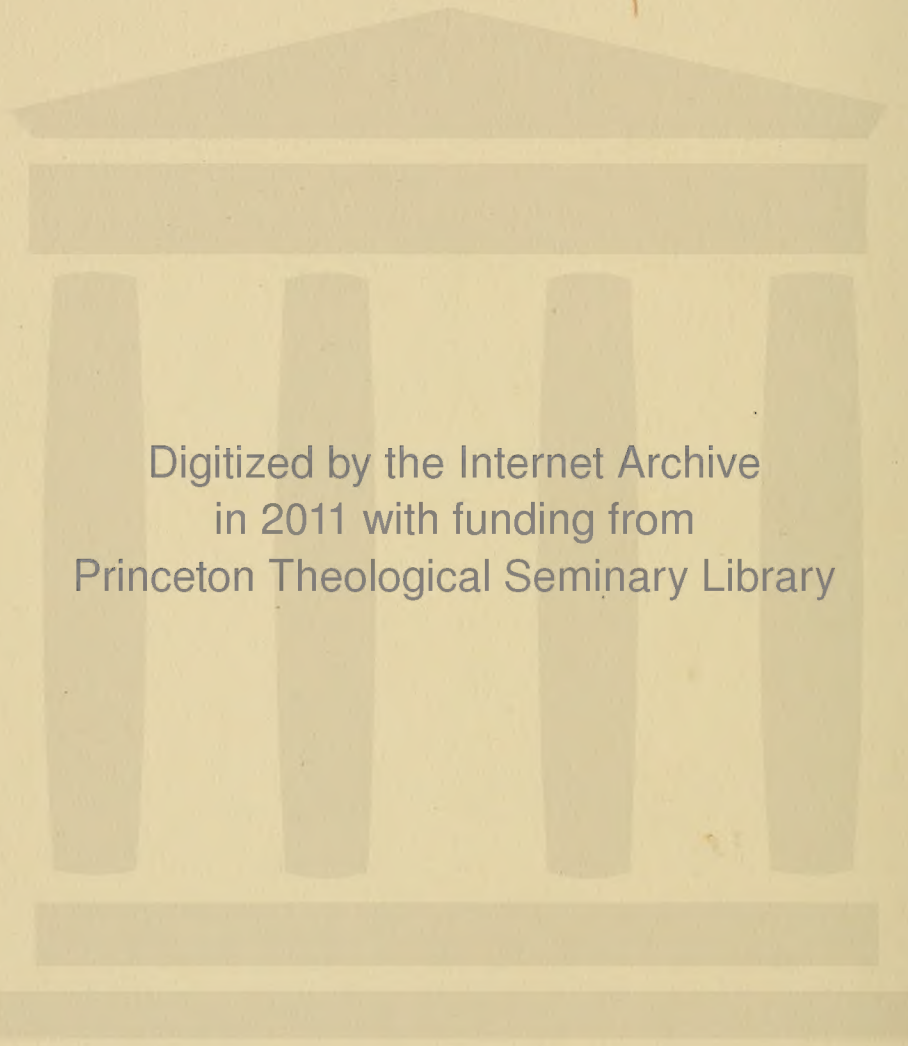
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RISE AND FALL

OF THE

SLAVE POWER IN AMERICA.







HISTORY  
OF  
THE RISE AND FALL OF  
THE SLAVE POWER  
IN AMERICA

BY  
✓  
HENRY WILSON

VOL. II.



BOSTON AND NEW YORK  
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# RISE AND FALL OF THE SLAVE POWER IN AMERICA.

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### ADMISSION OF FLORIDA.

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In the acquisition of Texas the Slave Power had compelled the nation to adopt and proclaim the principle that slavery had become a national interest, to be cherished by national legislation, cared for by national diplomacy, and defended by national arms. Having dragooned the government into the adoption of the principles and policy involved in the act of annexation, it became, from that time onward, more pronounced and aggressive. The slave-masters used the advantage, thus gained, in defiance of the laws of God, regardless of the rights of man, reckless of consequences, and seemingly indifferent to the requirements, or even the reputation, of consistency. Everything was made to yield to the exigencies of the system. Instead of the principle of the old Roman patriotic adjuration, that the Republic should receive nothing of detriment, putting slavery in the nation's stead, they made everything bend to that.

They had long pretended that the equilibrium between the free and slave States must be preserved at all hazards, and twice had they resorted to the violent device of arbitrarily linking two measures that had nothing in common for that



purpose,—in 1820 combining the bills for the admission of Missouri and Maine, and in 1836 those for the admission of Michigan and Arkansas. In pursuance of the same purpose and line of policy, they were now unwilling to receive without a consideration the free State of Iowa, which had framed a constitution in the autumn of 1844, and was asking for admission. Some makeweight must be found before this application could be complied with. This they managed to discover in an old constitution, framed by the Territory of Florida five years before. Though Florida was greatly deficient in numbers, and her constitution was very objectionable in some of its features, they seized this occasion to press its claims, and to make its admission a condition precedent to their consent that Iowa should be received. The House Committee on Territories reported in favor of the admission of the two in a single measure. In the closing hours of the XXVIIIth Congress the bill came up for consideration. Making the proposition still more odious, it was moved, in anticipation that the then unorganized portions of Nebraska would ask admission as a free State, that when the population of Florida, east of the Suwanee River, should exceed thirty-five thousand, a new State, called East Florida, should be created therefrom. A motion was made by Mr. Pettit of Indiana to strike out that proviso. The delegate from Florida, Mr. Levy, pronounced the motion a violation of the treaty with Spain, “a flagrant breach of trust,” as well as a cruel piece of injustice to the people of Florida. The motion, however, prevailed, and the proviso was stricken out by a majority of forty-six.

This constitution of Florida not only expressly denied to the legislature the power to emancipate slaves, but gave it the authority to prevent free colored persons from immigrating into the State, or from being discharged from vessels in her ports. Mr. Belser of Alabama, whose district bordered upon Florida, justified these inhuman provisions as simply precautionary measures, necessary for the safety of his State. He maintained, too, that no slave State was safe without such provision, as “free negroes would go there,” he said, “with no peaceable intentions, but with firebrands in their hands,

to excite disaffection among the slaves.” Washington Hunt of New York, afterward governor of that State, characterized those provisions of the Florida constitution as not only violating the rights of the slave, but those of the master himself. Deprecating the recent action of the South by which she had abandoned her former position that slavery was local, and was predicating its action on the theory that the government was bound to aid in extending and perpetuating that system, he declared that it “betokened the approach of a period when harmony was forever to depart from our national councils.”

Mr. Morse of Maine moved that so much of the act as related to Florida should not take effect until after a convention of delegates shall have stricken out these provisions. But the proposition was vigorously resisted by Southern members. Mr. Bayly of Virginia was especially arrogant and vituperative, as well as sarcastic and insolent. He said that they were indebted for this proposition to the “wisdom” of the gentleman from Maine, who “was not,” he insultingly declared, “very remarkable for his statesmanship.” He denounced the amendment as “an unblushing attempt” of one who had never set foot on the soil of Florida to dictate to the people of that Territory. He characterized it as a bold assumption of superiority, which was “neither more nor less than unqualified arrogance.” To this specimen of plantation manners Mr. Morse replied with dignity and effect, assuming the entire responsibility of his proposed amendment, and vindicating its pertinence, its justice, and its wise statesmanship. Though few came to his support in the debate, yet, when the vote was taken, his motion was defeated by only a majority of eight. An effort was then made by Preston King to amend the bill by striking out the proposition respecting Florida; but that was a point not to be yielded. The South was persistent, and, as usual, prevailed.

When the bill came up in the Senate Mr. Evans of Maine took occasion to refer to the laws of some of the Southern States for the arrest and imprisonment of free people of color; and he pronounced the operation of those laws to be harassing

to the people of the North. He said that he had known voyages to be broken up when colored seamen learned that they were destined to Southern ports, where they would be imprisoned on account of their race. The clauses in the Constitution prohibiting the immigration, or the discharge from vessels in port, of persons of color, he pronounced clearly unconstitutional. But Robert J. Walker defended the Southern view, characterizing these colored seamen as "dangerous persons," possibly coming from San Domingo and ready for any crime. Referring to the black laws of Ohio, he made the strong points that if a State had a right to restrict, it had the right to exclude, and that "if Florida had a right to exclude colored persons by law, she had a right to exclude them by her constitution."

Mr. Evans then proposed that Florida should be required to amend her constitution before admission. But his Democratic colleague, Mr. Fairfield, though admitting that these provisions were unconstitutional and that they ought to be changed, avowed his determination to vote for her admission, because, he contended, if she had a right to be admitted at all, she was entitled to admission on an equal footing with the original States.

But the opposition to the amendment was not as significant as were the reasons given therefor and the sentiments avowed therewith. Mr. Archer of Virginia contended that such a provision "belongs to that form of law which overrides all forms of political institutions or constitution,—the law of self-preservation." He curtly asked Mr. Evans, if a ship-load of "pestilent fellows" came into Virginia or South Carolina to stir up rebellion, whether the authorities should not seize them. "Yes, yes," replied Mr. Evans, "seize them, try them, and punish them, to your hearts' content; we do not complain of that; but what we of the North complain of is, that when one or two of our citizens go there in pursuit of their lawful business, and with no thought of stirring up rebellion, you seize and imprison them, not for the evil intents of their hearts, but for the complexion of their faces."

The same provisions were justified by Mr. Henderson of



Mississippi, who rebuked Massachusetts for her "great outcry of unconstitutional injustice." Mr. Berrien of Georgia also defended them, and even avowed his readiness to cut all party bonds if necessary to defend Southern rights. On the other hand, Mr. Choate of Massachusetts not only condemned them, but also the Southern laws concerning colored seamen, as unconstitutional, giving, at the same time, his unqualified support to the proposition of Mr. Evans. After much debate a vote was reached, and only twelve senators, all Northern Whigs, were found ready to support the amendment. The bill was then passed with only nine dissenting votes; and Florida, with these inhuman, oppressive, and admitted unconstitutional provisions in her organic law, became, on the 3d of March, 1845, a member of the Union. All opposition had been unavailing. All scruples, either constitutional or moral, made little impression on a Power that recognized its ability as the only limit of its endeavor, and with which might was ever tantamount to right.

Indeed, this very debate revealed the insincerity of the leading advocates of slavery and of its demands,—their lack of fealty, not only to party, but to the nation itself. Doctrines not only fatal to party control and success, but revolutionary and premonitory of rebellion and treason, were openly and vauntingly proclaimed. Thus the very men who had clamored so strenuously and unceasingly for an "equilibrium" in the Senate, as a national necessity, and who now insisted on linking the destiny of the fresh and youthful Iowa, instinct with life and energy, with that of Florida, old, effete, already bearing the marks of decay, and with none of the conditions of a republican State, either in the number and character of its population or in the form of its constitution, found in the very next session no scruples in the way of a policy exactly the reverse. Then they saw no insuperable obstacle to the admission of Texas as a slave State, coupled though it was with the singular and unprecedented provision for making four additional States, probably slave, and no counterbalancing consideration against any slaveholding preponderance that would result therefrom.

But the speeches on the occasion were more significant and suggestive than their acts, especially those of Archer and Berrien, Southern Whigs, and generally noted for their moderate and conservative views. When such men appealed, in vindication of measures and usages clearly unconstitutional and violative of good faith, to "the law of self-preservation," which "overrides all forms of political institutions or constitution," and when they avowed their "readiness to cut all party bonds, if necessary to defend Southern rights," is there wonder that the Whig party melted away under such influences? Even then the Rebellion was but a question of time.

## CHAPTER II.

### MEXICAN WAR.—WILMOT PROVISIO.

Protest of the Mexican minister. — American government refused intercourse with the Mexican government. — General Taylor ordered to advance to the Rio Grande. — Ampudia requests General Taylor to return to the Nueces. — General Taylor attacked by General Arista. — Mexicans defeated. — President's message. — Views of Mr. Calhoun. — Remarks of Clayton, Crittenden, and Cass. — The House declares that war exists by act of Mexico. — Passage of the war bill in the House ; in the Senate. — Debates in Congress. — The President asks for two millions for the settlement of boundaries. — Two-million bill reported. — Mr. Wilmot's motion to exclude slavery from territory to be acquired of Mexico. — Amendment agreed to. — Fails in the Senate.

HAVING consummated the work of annexation, the government was forced to accept the logical sequences of its action. Among them, in spite of all hopes and assurances to the contrary, was a war with Mexico. Thrice had she notified the United States that annexation would be deemed by her just cause for war. Nor was there reasonable ground of expectation that she would not be true to her word. On the 6th of March, therefore, four days after the joint resolution was signed, the Mexican minister made a formal protest and demanded his passports, while the minister of the United States at Mexico was refused all official intercourse.

By annexation, therefore, the government had placed itself in a position requiring extreme delicacy, tact, and skill to prevent actual hostilities. That delicacy, tact, and skill seemed to be wholly wanting in President Polk and Secretary Buchanan. This, with the same reckless disregard of the rights of Mexico and amenities of good neighborhood, which had been displayed in the act of annexation, appeared more glaringly in the matter of boundaries ; so that, if Mexican forbearance had swallowed the affront put upon her by the former, she could not, with any show of self-respect, have submitted without an appeal to arms to the latter. By the joint resolu-



tion of annexation, the adjustment of all questions of boundary was assumed by this government. Ordinary prudence would have suggested that, in settling them, something was due to the wounded feelings and sense of outraged justice of the Mexican people. And yet nothing seemed further from the policy pursued.

Texas had claimed the Rio Grande as her western limit, though she had never exercised actual control over either New Mexico or the country lying between the Nueces and the Rio Grande. The groundless character of the claims of Texas to the Rio Grande as its western boundary was even admitted by some friends of the measure. While the Tyler treaty was pending in the Senate, Mr. Woodbury of New Hampshire said, in his speech in favor of its ratification, that Texas could, "by a mere law, acquire no title to more than she had conquered from Mexico and actually governed. Hence, though her law included more than ancient Texas, she could hold and convey only that, or, at the uttermost, what she holds jurisdiction over." Silas Wright, also of the same party, referring to the boundaries of Texas, declared that "they embraced a country to which Texas had no claims, over which she had never asserted jurisdiction, and which she had no right to cede." Mr. Benton denounced the treaty as an attempt to seize two thousand square miles of Mexican territory by the incorporation of the left bank of the Rio del Norte, which would be an act of direct aggression for the consequences of which the United States must stand responsible. In his speech in support of the joint resolution, Mr. Ingersoll, chairman of the Committee on Foreign Relations, asserted that the stupendous deserts between the river Nueces and the Rio Grande were "the natural boundary between the Anglo-Saxon and the Mauritanian races. There ends the Valley of the West, there Mexico begins"; and he affirmed that that gigantic boundary would be sacred while peace remained, "or until the spirit of conquest rages." Indeed, Mr. Ashley of Arkansas, a zealous supporter of annexation, boldly avowed in the Senate that Judge Ellis of Texas, a member of the convention which framed the constitution, said to him that Texas extended

its boundaries to the Rio Grande “solely and professedly with a view of having a large margin in her negotiations with Mexico, and not with the expectation of retaining them as they now exist on their statute-book.” This device, though unworthy of a great nation, eminently befitted the men and their purpose who employed it.

In ordering, therefore, General Taylor to pass a portion of his forces westward of the river Nueces, which was done before annexation was accomplished, President Polk put in peril the peace and the good name of the country. In his Annual Message of December of that year he stated that American troops were in position on the Nueces, “to defend our own and the rights of Texas.” But, not content with occupying ground on and westward of the Nueces, he issued, on the 13th of January, 1846, the fatal order to General Taylor to advance and “occupy positions on or near the left bank of the Rio del Norte.” That movement of the army from Corpus Christi to the Rio Grande, a distance of more than one hundred miles, was an invasion of Mexican territory, — an act of war for which the President was and must ever be held responsible by the general judgment of mankind.

Nor can there be reasonable doubt that that order plunged the two countries into actual hostilities. True, Mr. Van Buren had said that annexation “would draw after it a war with Mexico,” and Mr. Clay had expressed the opinion that “annexation and war with Mexico are identical”; but whatever might have been the legal *status* of the two countries, actual hostilities did not exist. The facts render it apparent that peace could have been preserved by a wise, prudent, and moderate policy. But that march into territory inhabited by Mexicans, who hastily fled before the advancing forces, the erection of batteries on the left bank of the Rio Grande, commanding the public square of Matamoras, meant more than “to defend our own and the rights of Texas.” It could only mean, it did mean, the acquisition of more territory in which to establish slavery, and by which the further expansion and development of slaveholding institutions could be promoted.

General Taylor was requested by Ampudia, the commander of the Mexican forces, to return to the Nueces, the western boundary of Texas proper, "while," he said, "our governments are regulating pending questions relative to Texas." He was not required to withdraw his armies into the territories of the United States, but simply to return to the position in Texas held by him during many months. To that request he replied, that he was acting under the orders of his government. But he was, nevertheless, on Mexican soil, in the state of Tamaulipas, among the Mexican people. Early in May General Arista, who had assumed command of the Mexican forces, crossed the Rio Grande, attacked General Taylor, was defeated at Palo Alto and Resaca de la Palma, and then recrossed the river, leaving the American army in complete possession of its lower bank. Can there be a question that the administration, by both the laws of man and of God, must be held responsible for the guilt and blood of that most nefarious war?

On the 11th of May President Polk sent a special message to Congress communicating the information that Mexico had refused the offer of peaceful adjustment; that the military forces had been ordered to retire; and that the Mexican general had declared our refusal *casus belli*; that hostilities had commenced, and that he should prosecute them. The President referred, also, to the action between the American and Mexican forces, and invoked "Congress to recognize the existence of war, and to place at the disposal of the executive the means of prosecuting the war with vigor." Mr. Houston, claiming as "Texan territory" up to the Rio Grande, proclaimed that "American blood had been shed on American soil. That soil had been consecrated before to them, and their rights must be maintained." The position of these two men gave weight to their statements which was manifestly wanting in the words themselves. Those, however, with whom either slavery or party was paramount to all other claims were prepared to accept conclusions, though they did not bear the test of close scrutiny or answer the demands of either justice, humanity, or a true patriotism.



In the Senate, Mr. Speight, a Democratic member from Mississippi, moved to print twenty thousand copies of the message. The debate upon that motion was earnest and eminently suggestive, as it revealed in the various opinions expressed both the task the propagandists had undertaken in order to secure a favorable vote, and also the process by which it was accomplished. Nor is it doubtful that many approached it with grave solicitude, doubts, and misgivings. On the one hand, the slavery propagandists and members of the Democratic party could not but be anxious about the consequences of a policy which had been adopted in spite of the protests and damaging admissions of many, even of their most eminent leaders. Subservient as the North had shown itself, they must have felt that there was danger of going too far. On the other hand, the Southern Whigs, though on the record averse to annexation, felt the danger of putting in peril either slavery or party by persisting too strenuously in opposition to what was rapidly becoming a Southern measure, and manifestly only a question of time. They remembered the war of 1812 as the rock on which the Federal party, by its opposition, was wrecked; and they were naturally chary of making a like mistake.

Mr. Calhoun was sincerely opposed to the proposed war. Though his policy had provoked it, he shrank from its legitimate consequences. But he had trusted to diplomacy, and had supposed that the liberal use of money in Mexico's necessities would lead to the relinquishment of Texas without resort to arms. But, though he had been potent in causing the complications of the hour, he found himself powerless in restraining or shaping the consequences. He had raised the whirlwind, but he could not direct the storm. Other men, more reckless, audacious, and self-seeking, with ulterior purposes and schemes, desired war for its own sake and its prospective results. He, dreading those results, counselled moderation and dignity. Availing himself of the distinction between hostilities and war, he claimed that the latter had not yet intervened. As it was its prerogative alone to determine, it should be left to Congress to decide whether or not war had actually begun.

But there were others less cautious and, if not more oblivious of principle, more reckless of consequences. Among them was Mr. Clayton of Delaware. Though a Whig, opposed to annexation, and disavowing all responsibility for the war,—that resting alone, he claimed, on the President,—he hastened to give in his adhesion, and to say that he was quite ready and willing to fight it out; as if, in such a case, any action of the President could absolve him from his obligation to oppose what both his reason and conscience condemned as wrong in principle and impolitic in practice. “I do not mean to express,” he said, “any opinion as to sending troops to the Rio Grande by voting supplies.” In a similar strain, John J. Crittenden of Kentucky, another Whig senator,—patriotic, but impulsive and intensely Southern,—expressed the sentiment that more distressing intelligence had never been communicated by any President. The importance of the event, he said, did not consist in the amount of precious blood that had been shed, but in the bad examples and the evil consequences to republicanism and liberty everywhere. “I hope,” he said, “to find my country in the right; however, I will stand by her, right or wrong.” The declarations of Mr. Clayton were warmly applauded by General Cass, who declared that he had spoken “like an American senator and like an American patriot.” Mr. Morehead of North Carolina, another Whig senator, expressed surprise that General Cass should regard Mr. Clayton’s remark as worthy of special gratulation. “I trust,” he said, “that that is a common sentiment entertained by every member of the Senate.” He thought, however, that “war” did not exist, as Congress alone had power to declare it.

These sentiments of leading Southern Whigs, not to speak of those of Northern Democrats like General Cass, revealed the process by which the Slave Power, in the hands of an inconsiderable fraction of the nation, contrived to control the action of the government, in support of a policy in clear antagonism to every professed principle on which that government was founded, and by which it was also enabled to push the most extreme and obnoxious measures through the national legislature. Tenacious, unyielding, and inexorable, it had so



succeeded in getting into its hands the reins and rod of party discipline, and in so debauching the public sentiment, that no loyalty to the higher law, no breadth of statesmanship, not even fealty to party itself, was permitted to stand in the way of its behests. "Right or wrong," its battles must be fought and its policy must be sustained.

In the House a bill was introduced by Mr. Haralson, chairman of the Committee on Military Affairs, authorizing the President to accept the services of fifty thousand volunteers, and appropriating ten million dollars. The same differences of opinion existed there as in the Senate respecting the actual state of affairs between the two nations. Was it war, or only a state of hostilities? The President, strangely oblivious of the claims of truth, had said that "Mexico had invaded our territory and shed the blood of our citizens on our own soil." As the slave propagandists had approved and applauded his order authorizing General Taylor to advance to the left bank of the Rio Grande, they were determined also that Congress should indorse that action and share that responsibility. To effect that purpose, Linn Boyd, a Kentucky Democrat, afterward Speaker of the House, offered a substitute for the first section of the bill, affirming that "by the act of the Republic of Mexico a state of war exists between that government and the United States." This amendment being agreed to by nearly a party vote, the bill was put upon its final passage, and passed almost unanimously, only fourteen voting against it.

Considering the offensive form in which the measure was presented, not only being in direct conflict with sentiments repeatedly avowed by those who supported it, but plainly falsifying the truth of history, this vote was sadly suggestive of the national demoralization, and of degrading party vassalage. For the Democratic majority, dominated by the Slave Power, had seized the occasion not only to proclaim its devotion to Southern interests, and, if possible, to place the minority in a false position, but that minority made it too apparent that fealty to party was stronger than regard for principle, and that there was a greater solicitude to maintain the integrity of the former than to obey the dictates of the latter. The



character of the bill and the embarrassment of Southern Whigs were well expressed by Garrett Davis of Kentucky, then an earnest and trusted friend of Henry Clay. On his request to be excused from voting, after expressing the opinion that the relief of the troops must have been already secured or their fate sealed long before help could be sent by Congress, and indicating his willingness to vote supplies for the war, he said that there could be no valid objection to giving a day to the consideration of the act, though denied by "the haughty and domineering majority." "I protest solemnly," he said, "against defiling the measure with the unfounded statement that Mexico began the war." "Had the amendment been rejected," he said, "I doubt not the bill would receive the unanimous vote of the House. But that was not the object of its authors. Their purpose was to make the Whigs vote against the measure, or force them to aid in throwing a shelter over the administration."

On the 12th the bill was reported to the Senate by Mr. Benton, chairman of the Committee on Military Affairs. Several amendments and modifications were offered, but rejected; and it was passed, the same day, by a vote of forty to two, John Davis of Massachusetts and Thomas Clayton of Delaware alone voting against it. Thus hurriedly was the Mexican War assumed, its origin falsified, and the nation committed to its prosecution with all its guilt and peril, and its uncertain cost of blood and treasure.

The fourteen members of the House and the two members of the Senate who voted against the measure were bitterly assailed. Stephen A. Douglas, a rising member from the West, who from that time onward mingled largely in the strife, till its culmination in the Rebellion, characterized them as "hypocrites, traitors, and cowards." They had, however, an advocate in Charles Hudson of Massachusetts, who denounced in fitting terms the craven sentiment that it was treason to criticise the government in time of war. He avowed his purpose to utter his sentiments, "regardless of frowns or sneers," or "the dogmatical declarations and awful nods of Mr. Douglas." The preamble, he said, was utterly false

as a whole, and false in each of its recitals, and the war itself was "a crime of deepest dye." He warned those in power to look well to it that "public execration did not fall upon their heads, and to remember that blood shed for unrighteous purposes will cry from the ground to Him 'who bringeth the princes to nothing, and taketh up the isles as a very little thing.'"

Though the war was prosecuted with considerable vigor, its progress and results did not keep pace with the wishes of those who had urged it upon the nation, or with the general expectation of its advocates. It was also consuming more time, costing more money, and giving the people more opportunity to study its character, purposes, and prospective results, which, under the teachings of the opponents of slavery, they were improving, than had been anticipated. Accordingly, on the 8th of August, ten days before the close of the session, the President sent a special message to Congress asking an appropriation of two million of dollars, "for the purpose of settling our differences with Mexico." He expressed the opinion that the chief obstacle would be the adjustment of boundaries between the two countries.

A bill being introduced by Mr. McKay, chairman of the Committee of Ways and Means, to carry into effect the President's recommendation, a brief and sharp debate followed. Hugh White of New York avowed his unwillingness to give his sanction to the bill unless amended so as to forever preclude the possibility of extending slavery. Mr. Winthrop of Massachusetts arraigned the supporters of the administration for their attempts to place their opponents in a false position.

Several Democratic members, who had been cajoled into a vote for annexation by the shallow device of the Walker amendment, on the pretence that the choice proposed by that amendment would be left to the new administration, had been greatly chagrined, besides being made the subjects of much censorious remark, when they saw the measure actually consummated by the hasty action of Tyler and Calhoun, which they had supposed would be left to the more deliberate and carefully considered movements of Mr. Polk and Mr. Buchanan. They saw now not only evidences of a similar policy, but

themselves summoned to the ignoble task of carrying forward and helping to consummate a fraud, of which they had already unwittingly been made the agents and the victims.

If, therefore, they could not retrieve the past, they were anxious to save the future. They saw that the war was prosecuted by men intent on the acquisition of territory, which, though free by Mexican law, would be made slave by the new theory of Mr. Calhoun, that the Constitution carried slavery into all national territory, acquired or to be acquired, unless prohibited by positive law. They believed that President Polk was seeking territory, not to extend freedom and free institutions, but slavery and those peculiar to the South. Something they saw must be done in that supreme moment of the crisis to retrieve the false step they had taken and to avert the impending evil.

In the haste of the moment Jacob Brinkerhoff, a Democratic member from Ohio, afterward a member of the Republican party, a jurist of capacity and high character, drew up an amendment to the bill, which has become famous in the history of the times now passing in review. It provided that, "as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty to be negotiated between them, and to the use by the executive, of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall be first duly convicted."

To secure the floor for such an amendment, and to give it as fair a chance as possible of success, he sought the aid of a member of the Democratic party who stood well with the South, and who yet was friendly to the principle embodied in the amendment he had prepared. David Wilmot of Pennsylvania answered that description. A Northern Democrat, he had commended himself to Southern favor by voting for the tariff of 1846. The result proved the wisdom of the strategy. Gaining the floor, Mr. Wilmot accompanied his amendment with an earnest speech. To the manifest purpose of the administration to acquire territory he had no ob-



jection, providing it could be kept free from slavery. A vote of eighty-three to sixty-four in favor of his amendment greatly cheered him and his Northern friends. A motion, by Mr. Tibbatts of Kentucky, that the bill lie on the table, made for the purpose of defeating the proviso, was lost by fourteen majority, all the Northern Whigs but Robert C. Schenck of Ohio, and all the Northern Democrats but John Pettit of Indiana, and Stephen A. Douglas and John A. McClernand of Illinois, voting against it. The bill was then passed by a vote of eighty-seven to sixty-four.

It was taken up in the Senate on the last day of the session, which was to close at noon, and a motion was made to strike out the proviso. John Davis of Massachusetts took the floor, and, he declining to yield it, the bill and proviso were lost. Mr. Davis was much censured at the time for not permitting a vote to be taken. But, whatever were his motives, it is probable that a vote could not have been reached on the motion to strike out the proviso; and, if it had been, it would have unquestionably prevailed, as there was a majority of slaveholders in that body, and the exigencies of the system would not have allowed them to see the purpose of the war thus defeated. It has indeed been since affirmed by Mr. Brinkerhoff that there was "a well-ascertained and unanimous determination on the part of the Democratic senators of the free States to stand by the proviso, and that those of Delaware and Maryland would have voted with them." But surely Mr. Brinkerhoff must have been mistaken. It is barely possible that Democratic senators from the free States would have voted for that measure, but their previous and subsequent conduct does not justify the belief that they would have done so. Mr. Pearce of Maryland and the two Delaware senators are not living to speak for themselves, but the subsequent course of Mr. Pearce and John M. Clayton gave no assurance that they would have voted for the proviso had it come to a vote. The probability is strong that they would have voted against it, and Reverdy Johnson, in a letter written in April, 1873, states in the most unequivocal language that he should not have voted for it.

## CHAPTER III.

### TREATY OF GUADALOUPE HIDALGO. — ACQUISITION OF TERRITORY. — CONTINUATION OF THE SLAVERY STRUGGLE.

Meeting of Congress. — Message. — Speech of Mr. Wilmot. — Remarks of Mr. Wood. — Brinkerhoff, Stephens, Bayly, Dowdell. — Mr. Hamlin's amendment. — Three-million bill reported. — Berrien. — Upham's amendment. — Mr. Webster's views. — Wilmot's amendment lost. — Treaty of peace. — Declarations of Mr. Trist. — Potency of slavery. — Meeting of XXXth Congress. — Mr. Winthrop elected Speaker. — Mr. Putnam's resolution. — Root's bills for California and New Mexico. — Amendment excluding slavery. — Mr. Walker's amendment. — Action of House. — Defeat of measures for prohibiting slavery. — Mr. Thompson's amendment. — Agreed to by the House. — Rejected by the Senate. — Victory of the Slave Power.

On the assembling of Congress, in December, 1846, the President, in his Annual Message, reaffirmed his previous declaration, that Mexico had inaugurated hostilities, and that "American blood had been spilled on American soil." The language of Benton, in his "Thirty Years' View," affirming that "History is bound to pronounce her judgment upon these assumptions, and to say that they are unfounded," does not express the whole truth. They were unequivocally and historically false.

A bill appropriating three millions of dollars for the purpose of negotiations was introduced into the House. In the debate following Mr. Wilmot defined and defended his position. Alluding to the adoption of the proviso by a decisive majority, he expressed the opinion, which the facts by no means warranted, that "the entire South were even then willing to acquiesce." He said the friends of the administration — of whom he was one — did not then charge upon him and those who voted with him the defeat of the Two-Million Bill by the introduction of the proviso. He admitted that "the South resisted it manfully, boldly resisted it; but," he added, "it was passed, and there was no cry that the Union was to be

severed." Disclaiming all sympathy for, or affiliation with, Abolitionists, Mr. Wilmot said: "I stand by every compromise of the Constitution. I was in favor of the annexation of Texas. The Democracy of the North was for it to a man, and is fighting the war cheerfully, not reluctantly, for Texas and the South." The declarations of the leaders and presses of the administration and the movements of the armies pointed, he said, to the acquisition of New Mexico and California; and he expressed the hope that the President would firmly adhere to his purpose. He desired fresh territory, but it must be preserved from the aggressions of slavery; and for that he contended. "When, in God's name," he asked, "will it be the time for the North to speak out, if not now? If the war is not for slavery, then I do not embarrass the administration with my amendment. If it is for slavery, I am deceived in its object."

Of course Mr. Wilmot was deceived. His declarations and his prompt disclaimer of all sympathy and affiliation with abolition revealed that fact, as also his want of acquaintance with slavery and the designs of the Slave Power. His ignorance, however, was speedily dispelled in the path on which he had so bravely entered; and his subsequent career showed that in the new school he had entered he became thoroughly, rapidly proficient. But at that time he evidently failed to comprehend the real facts of the case, or the true philosophy of those facts. The seeming acquiescence of the South in the vote on his proviso resulted not so much from a disposition to abide by it as from a settled purpose to reverse it as soon as possible, and from the conviction that such reversal could be obtained. He soon learned, however, the strength and tenacity of the Southern purpose to guard with sleepless vigilance the system of slavery, and to keep it from all possible or conceivable danger; but he never failed to render good service in the struggle on which he then entered.

There were other examples, in the same party, of like resistance to the exacting demands of slavery. Among them was that of Bradford R. Wood of New York, subsequently a Republican, and Minister to Denmark during the Rebellion.



He proclaimed it his purpose that, come what might, so far as he was concerned, slavery should go no further. He combated the idea that, from the nature of the soil and climate, slavery could not exist in the territory to be acquired. "Slavery will go," he said, "wherever man, in his cupidity and lust of power, can carry it." Mr. McClelland, also a Democratic representative from Michigan, afterward Secretary of the Interior under President Pierce, advocated the Wilmot proviso, announcing it "folly to think that our Northern men will emigrate to the most inviting territory in the world where they know they will be compelled to labor side by side with the slave."

Mr. Brinkerhoff, who had drafted the amendment presented by Mr. Wilmot, made an earnest appeal to Northern representatives. They were required, he said, not only to keep open, but to multiply the markets where men were to be sold, — to multiply human shambles. "Is this act," he inquired, "the nameless infamy of which no color is dark enough to paint, no word has language strong enough adequately to characterize, — at which posterity will blush, which Christianity must abhor, — shall this be our act? The act of freemen and the representatives of freemen? Almighty God, forbid it."

Southern Whigs, like Mr. Stephens, opposed the acquisition of territory only on political grounds. They would dispose of the troublesome proviso by bringing in no new territory to become the occasion of such contest between conflicting parties and sections. Mr. Stephens expressed the conviction that, if the policy of the administration was to be carried out, if the forbidden fruit of Mexican territory was to be seized at every hazard, those who controlled public affairs, instead of revelling in the halls of the Montezumas, or gloating over the ancient cities of the Aztecs, might be compelled to turn, and behold in their rear another and a wider prospect of desolation, carnage, and blood. He was careful, however, to state that his objections originated from no scruples in regard to slavery. That stood, he contended, on a basis as firm as the Bible. "Until Christianity be overthrown," he said, "and

some other system of ethics be substituted, the relation of master and slave can never be regarded as an offence against the divine laws."

But the Southern advocates of both the war and slavery naturally opposed a policy that would despoil their section of the animating purpose and motive of the war. In the face of facts patent to all, and with an effrontery that slavery alone could generate, they put in the plea of injured innocence, and were loud in their complaints of Northern aggression. Thomas H. Bayly, a Democratic representative from the eastern shore of Virginia, said that the boldness and strength of the Abolitionists had increased with great rapidity, and he was amazed to see how quiet Southern men were. As a sentinel on the watch-tower, he warned his countrymen against rapidly approaching danger, declaring that they had arrived at a point "when further concessions to the Abolitionists would be alike dishonorable and fatal." Mr. Dowdell of Alabama, alluding to the fact that they were engaged in a foreign war, expressed his surprise that, instead of devising ways and means of replenishing an exhausted treasury, they were engaged in a heated discussion of the question of slavery. "Discord," he said, "reigns where union and harmony should prevail. What has produced this deplorable state of things? Who are the authors of the ill-starred agitation which has so much disturbed our deliberations? In every stage of the history of this proceeding the North has tendered the issue, while the South has reluctantly occupied the position of defendant. . . . The question is, as to the locality and condition of those who are slaves. True philanthropy would diffuse, not congregate them into a narrow compass, or make them fixtures on the soil. More horrible still is the purpose, scarcely disguised, of breaking the fetters of the slave by rendering his labor unprofitable, thus substituting for peaceful subjection a bloody contest of rival races. This wholesale proscription of a large section of the Union will never be tolerated until the degeneracy of the South shall invite the chains which reckless power would rivet upon her limbs."

Nor did the Slave Power lack Northern defenders. Among them was Mr. Strong of New York, who, although he had voted for it at its first introduction, could now say: "I will oppose this proviso at the present time, come in what shape it may and whatever garb it may assume. It is ill-timed, out of place, has no business here, and is calculated to produce, as it has produced, nothing but mischief, absolute, unmitigated evil." He claimed that the way to fasten slavery upon the country was, to wall it up within its then present limits. In no other way, he said, than by leaving a pathway open toward the tropics, — permitting the increasing white population and the natural tendency of things to push them gradually and silently, but as certain as destiny, in that direction, — can the more Northern slaveholding States be relieved of their burden.

Early in the session Preston King, then a Democratic member from New York, had made an unsuccessful effort to introduce a bill containing the prohibition of slavery. Mr. Hamlin had also moved, on the 15th of February, an amendment to the "Three-Million Appropriation Bill," providing that there should be neither slavery nor involuntary servitude in any territory on the continent of America which should thereafter be acquired by virtue of that appropriation. Mr. Douglas made an unsuccessful attempt to amend that amendment, so that it should take effect in any territory to be acquired north of the Missouri Compromise line. Mr. Graham of North Carolina then made an unsuccessful motion to amend it by extending the line of the Missouri Compromise to the Pacific Ocean. Mr. Hamlin's amendment was then adopted by a vote of one hundred and fifteen to one hundred and six; and the bill, as amended, passed by a majority of ten.

In the Senate, on the 19th of January, Mr. Sevier of Arkansas reported from the Committee on Foreign Relations a bill appropriating three million dollars to authorize the President to negotiate a peace with Mexico. The long and exciting debate which followed revealed not only the chaotic state and heated effervescence of the public mind, but the crystallizing process going on in the political sentiments of the people around the new policy which the Slave Power was dictating, and which



the country was too evidently and too readily accepting. Of course this was not the work of a moment. Southern Whigs could not at once accept and support a policy which ignored their party affiliations and imperilled their party ascendancy at the North. However much they loved slavery, and however willing they were to conserve its interests, they could not, without some hesitation, sacrifice their political aspirations and immolate themselves upon its dark and polluted altar. Though the inexorable power made the exaction, and they were prepared in the final issue to allow its claims to be paramount, they very naturally resisted the policy which rendered such party destruction and such personal immolation probable, if not inevitable. The evidence of such personal struggles and conflicts was more clearly visible in the discussion now under consideration than in any previous or subsequent debate.

Nor could Northern Democrats at once forget all former traditions, or ignore the little remaining conscience, humanity, and political consistency in their party ranks; for they, as well as the Whigs of a later date, found "prejudices" that must be conquered. Though the final surrender was certain, and the leaders were ready enough to make it, it was politic to exhibit a show of resistance; of hesitation, at least. With this key in hand, the debate will be better understood.

In the Senate the Whigs, though in the minority, strove to avert the threatened catastrophe. Mr. Berrien moved an amendment, declaring that war ought not to be prosecuted with any view to the dismemberment of the Mexican republic, or to the acquisition by conquest of any portion of her territory. But it was rejected. Mr. Upham of Vermont made an unsuccessful attempt to secure as an amendment the Wilmot proviso. After its rejection Mr. Webster presented the resolutions of the Massachusetts legislature, protesting against additions of territory without the express provision that there should be neither slavery nor involuntary servitude. Asserting that it was generally admitted that the war was for the acquisition of territory, he proclaimed that the voice of the free States was clear and distinct in its tones. "I understand," he said, "that an imperative call is made on us to act

now, to take security now, to make it certain now that no more slave States shall be added to the Union." He indorsed Mr. Berrien's amendment as the only true policy, and declared that the rejection by the Senate of the Wilmot proviso was "ominous, portentous." He expressed the fear that the nation had not arrived at the beginning of the end. "The future," he but too prophetically declared, "is full of difficulties and full of dangers. We are suffering to pass the golden opportunity for securing harmony and the stability of the Constitution. We appear to be rushing upon perils headlong, with our eyes all open."

But the bill passed the Senate by nearly a strict party vote. It was taken up in the House on the last day of the session, and Mr. Wilmot renewed his amendment. But it was rejected by a vote of ninety-seven to one hundred and two; and the bill giving the President three million dollars to negotiate for the acquisition of Mexican territory, without restrictions upon slavery and without any guaranties for freedom, received a majority of thirty-four; and the Slave Power was again victorious.

Of the Senate, as constituted, little had been expected. But the House — even after annexation had ripened into war for territorial acquisition — revealed at the outset a majority in favor of impressing upon every league won by conquest, in ineffaceable characters, the destiny of freedom. But the Slave Power, quickened into greater activity and intensity of purpose by that manifestation of independence, and controlling as it did the President, the Cabinet, the Senate, and the Supreme Court, at once began its work of demoralization. The usual appliances were brought into requisition, and with the usual success. The timid were overawed, and the venal and ambitious were won by promises of place and power. Consequently, the majority of nineteen in August in favor of the Wilmot proviso had melted in March into a minority of five. In the course of that debate Mr. Armistead Burt of South Carolina had told the North that, in that crisis, the South had no traitors. "She has no traitorous son here," he said, "to be false to his own honor or faithless to her safety; none at home to betray his

blood and his native land.” If there were not, among those who had changed their votes, and by that means the result, some who felt the force of this biting sarcasm, there were thousands at the North who realized, with infinite regret and chagrin, that they and the cause of freedom had been wickedly betrayed by this recreant action.

The administration of Mr. Polk, in asking for three millions of dollars, proposed to negotiate a peace on the basis of the cession by Mexico of Upper and Lower California, New Mexico, and the disputed territory between the Nueces and the Rio Grande, to constitute the latter river the boundary between the two countries, and to secure the right of way across the Isthmus of Tehuantepec. Having secured, after a long and fierce struggle, in which the Slave Power had put forth all its resources, this appropriation for the acquisition of territory without any restrictions in regard to slavery, the President, on the 15th of April, appointed Nicholas P. Trist of Virginia an agent, with ample power and authority to confer with any person or persons authorized by Mexico to negotiate a treaty of peace, amnesty, and lasting boundaries. Carrying with him the *projet* of a treaty, Mr. Trist accompanied the army to the valley of Mexico, and, after the battles of Contreras and Cherubusco, met the commissioners of Mexico appointed to negotiate a treaty. For several days, from the 27th of August to the 7th of September, the commissioners were in session. But all negotiations having failed, the war was renewed, and the capital fell. Though he was then recalled, and his authority as peace commissioner revoked, Mr. Trist remained with the army, and, on the 2d of February, 1848, negotiated a treaty of peace.

By this treaty Upper California, New Mexico, and the country between the Nueces and Rio Grande were acquired, fifteen millions of dollars were to be paid to Mexico, and all American claims relinquished. This sum paid to Mexico, the direct expenditures of the war, and other expenses growing out of it, made the pecuniary cost of the territory thus acquired not less than a hundred and thirty millions of dollars. This large expenditure of money, the more costly outlay of life, and the



more priceless sacrifice of national honor, were all made for the purpose of enlarging the area of slavery, strengthening the Slave Power, and making its domination more complete, relentless, and secure.

This vast territory, nearly the size of the original thirteen States, had been made free by the new republic. Nor this alone; Mexico sought, though forced to relinquish her claim, to incorporate with the proposed treaty of cession the condition that slavery should be excluded therefrom. Indeed, she instructed her commissioners to insist that "the United States shall engage not to permit slavery in that part of the territory which they shall acquire by treaty." In a communication of the 4th of September, 1847, to Mr. Buchanan, Mr. Trist states that he was told by the Mexican commissioners that "if it were proposed to the people of the United States to part with a portion of their territory, in order that the Inquisition should be therein established, the proposal could not excite stronger feelings of abhorrence than those awakened in Mexico by the prospect of the introduction of slavery in any territory parted with by her."

But these entreaties were unheeded. Mr. Trist refused all such restrictions. "The bare mention," he said, "of such a treaty is an impossibility." No American President, as he expressed it, "would dare to present any such treaty to the Senate." "I assured them," in singular language for the representative of a republic to use in a despatch to his government, "that if it were in their power to offer me the whole territory described in our *projet*, increased tenfold in value, and in addition to that covered a foot thick with pure gold, upon the single condition that slavery should be excluded therefrom, I could not entertain the offer for a moment, nor even think of communicating it to Washington."

Never had the nation presented itself in a more humiliating attitude, nor occupied a more indefensible position. On this vast territory Mexico had impressed the seal of freedom, and, though in her straits, she had accepted the humiliating condition imposed by her conqueror, she earnestly sought to make it a condition precedent that it should still remain sacred to

liberty. But this humane condition was not simply rejected, it was scouted even, and that in language whose very extravagance and hyperbole revealed the earnestness and strength of conviction and purpose it was designed to express. Nor was it simply the expression of an individual opinion. Mr. Trist was a gentleman of capacity and character, never distinguished for his extreme views, and he well knew that even his extraordinary declarations did not more than give expression to the sentiments and determination of the government. Nor is there wanting the evidence of its correctness, in that there was never any disavowal of the same by the government or its agents. And thus it stands confessed to the nations, that republican America preferred war, with all its hazards and cost, to peace and territory, although imperial in size and resources, unless that territory could be devoted to slavery; and would have done so, though that territory were "increased tenfold in value," and "covered a foot thick with pure gold."

At the meeting of the XXXth Congress, in December, 1847, Robert C. Winthrop of Massachusetts was the Whig candidate for Speaker. His capacity, character, and culture, his political and social standing, as well as his parliamentary knowledge and experience, admirably qualified him for that position. His action on the slavery question during the preceding two years unquestionably commended him to the Southern Whigs, and reconciled them to casting their votes for a Northern man. This action, however, that so recommended him to extreme and sensitive Southern Whigs, rendered him as obnoxious to some Northern members. Mr. Palfrey of Massachusetts, Mr. Giddings and Mr. Tuck of New Hampshire, persistently withheld from him their votes. But he was chosen on the third ballot by the withdrawal of the votes of Mr. Tompkins, a Mississippi Whig, and Mr. Holmes, a South Carolina Democrat. In justification of his vote, Mr. Holmes said, in a letter to his constituents, that "the Southern Whigs opposed to the Wilmot proviso nominated Mr. Winthrop in caucus in opposition to a majority of the Northern Whigs, who were in favor of the Wilmot proviso, and who opposed the nomination of Mr. Winthrop." The refusal of Mr. Palfrey to

vote for his colleague was very distasteful to Mr. Winthrop and his friends in Massachusetts, and very materially tended to widen the breach between the two wings of the Whig party in that State.

To Caleb B. Smith of Indiana was assigned, by Speaker Winthrop, the then very important position of chairman of the Committee on Territories. He was a native of Massachusetts, a gentleman of ability, and an eloquent and effective speaker; but he did not display the boldness and organizing power the crisis demanded; nor did he manifest that earnestness, zeal, and faith which inspired the courage or won the confidence of others.

Early in the session, Harvey Putnam, a Whig member from New York, introduced a resolution prohibiting slavery in the territory acquired from Mexico. When it came up for consideration, in February, it was laid on the table by twelve majority, on motion of Richard Broadhead, a Pennsylvania Democrat. During the session, the question of extending slavery into the territory won from Mexico, or excluding it therefrom, continually forced itself upon the consideration of Congress. The issues involved were presented with elaborate fulness and much to the enlightenment of the country, but no practical results were secured during the session. It was also during this session that Mr. Clayton's specious and subtle device, misnamed a compromise, to unite Oregon, California, and New Mexico in one measure, leaving the slavery questions to be determined by the Supreme Court, so signally failed.

At the opening of the second session of the same Congress, the territorial question which had so largely entered into the Presidential canvass forced itself upon the attention of both Houses. Joseph M. Root of Ohio introduced a resolution instructing the Committee on Territories to introduce bills providing Territorial governments for New Mexico and California, and also excluding slavery. This resolution was adopted by a majority of twenty-seven, all the Democratic members from the free States, excepting eight, voting for it. A bill was soon reported for the government of California, and, early in the following month, another was introduced for the



organization of New Mexico. After debate, the bill for the government of California was taken from the Committee of the Whole, and Mr. Sawyer, a Democratic member from Ohio, moved to strike out the prohibition of slavery. But his motion was lost by a majority of seventeen. An amendment, in the nature of a substitute, was offered by Mr. Preston, a Whig member from Virginia, afterward Secretary of the Navy under General Taylor, providing for the organization of California as a State. The House, on motion of Mr. Collins of New York, amended the substitute so as to prohibit slavery. Other amendments were offered, rejected, or withdrawn, and the bill was then passed by a majority of thirty-nine. The Senate, however, by a majority of three, refused to consider it at all.

Mr. Walker of Wisconsin moved an amendment to the civil and diplomatic appropriation bill, extending the laws of the United States over the territory acquired from Mexico, and authorizing the President to make all needful regulations for the enforcement of the Constitution and laws in that territory. After a full debate, it was adopted by a vote of twenty-nine to twenty-seven. The House refused, by a majority of fourteen, to concur in that amendment. The Senate insisted, and asked a committee of conference. The committee, unable to agree, was discharged. It was then moved by Mr. McClernand, a Democratic member from Illinois, that the House recede from its disagreement with the Senate's amendment, and the motion was agreed to by three majority.

The House having receded, it was moved by Richard W. Thompson, a Whig member from Indiana, that it concur in the amendment of the Senate, with an amendment which was substantially a substitute, and which provided that the existing laws of the territory should be retained and observed until July 4, 1850, unless Congress should sooner provide for the government of these territories. Mr. Thompson's amendment was agreed to by a majority of six, and the Senate amendment, as amended, was adopted. But that body, finding that the House amendment recognized the existing laws prohibiting slavery, refused concurrence, though, after an excited debate, which continued till nearly seven o'clock on Sunday

morning, the 4th of March when it receded from its amendment. Its action, however, clearly revealed its spirit and purpose. Professing to believe it vitally important to organize governments in New Mexico and California, it had amended an appropriation bill for that purpose. But the House insisting, the Senate rejected its proposition, and thus revealed its object, in putting in peril, in the closing hours of the session, the civil and diplomatic appropriation bill, to have been, not the establishment of government, but the establishment of slavery. So, after a contest of more than two years, the Slave Power had defeated the proposed inhibition of slavery in the territory won by the blood and treasure of the nation, and Mr. Polk left to his successors the unsolved problem, whether slavery should enter into, or be excluded from it.

## CHAPTER IV.

### EXCLUSION OF SLAVERY FROM OREGON.

Characteristics of Slave Power. — Oregon, its boundaries and government. — Winthrop proviso. — Douglas's bill. — Burt's amendment. — New bill. — Hale's amendment. — Senate debate. — Bright's motion. — Calhoun's new dogma. — Underwood's speech. — Remarks of Baldwin, Niles, Berrien, Johnson, Dix. — Calhoun's position. — His character. — Berrien, Phelps, Davis, Mason, Johnson of Georgia, Jefferson Davis. — Clayton's proposition. — Compromise committee. — Report. — Great debate. — Clarke's amendment. — Baldwin's amendment. — John Davis's amendment. — Passage of the Clayton bill. — Laid on the table in the House. — Caleb B. Smith's bill. — Palfrey's amendment. — Passage of the bill in the House. — Douglas's proposition. — Remarks of Mason, Dayton, Webster, Butler, Calhoun, Niles, Reverdy Johnson. — Rejection of Foote's motion. — Extension of the line of the Missouri compromise. — Passed in the Senate. — Defeated in the House. — Menacing demands of Mr. Calhoun. — Benton's motion. — Remarks of Bell, Houston and Benton. — Benton's motion agreed to. — Passage of the Oregon bill. — Message of the President. — Triumph of freedom.

AMONG the villanies of which slavery was said to be the "sum" was its essential dishonesty. Conceived in fraud, it began and perpetuated its existence by the most flagrant outrage on the commonest and most sacred of human rights. Consequently the Slave Power, its embodiment, was never fair and honorable, high-minded or magnanimous. Never true to its pledges, and never bound by formal compacts, it very naturally treated with equal disregard the unwritten laws of social comity and good neighborhood. Gratitude and reciprocity were as foreign to it as justice and integrity. Its friendships were only simulated, and even its professions of regard were measured by the benefit hoped for therefrom. It clung to persons and parties only so long as they could be used, and when they ceased to be serviceable they were discarded and flung away. Not an inapt illustration was afforded by its treatment of the Northern Democracy on the Oregon question.



The fidelity of Northern Democrats on the Texan issue, the fearful burden they assumed in consequence, and the inroad it made on their ranks, were matters of common notoriety. For the sake of appearances, if nothing more, they demanded something like reciprocity from their Southern allies when the question in debate referred to northern extension on the Pacific. When, therefore, the dispute arose concerning the northwestern boundary between the United States and British America, the Northern Democrats assumed, as a party issue, the most extreme limit as their demand. The limit fixed upon was the parallel of fifty-four degrees and forty minutes, north latitude. The title of the United States up to that line, they contended, was clear and unquestionable. "Fifty-four, forty or fight" became their watchword and rallying-cry. But the Southern Democrats, true to their instincts, though ready to encounter any danger, national or partisan, to extend the boundaries southward, made no concealment of their lack of interest or zeal in this cry for northern extension. That there was danger of this added territory being free if acquired, that England might reject and resist such a claim, were sufficient reasons why they did not desire it, while no counterbalancing considerations were allowed in the form of obligations due for past favors and the past fealty of their Northern allies. Having used them in carrying to a successful issue the Texas scheme, they recognized no obligation to reciprocate the favor, and so the "fifty-four forty" came down quietly and quickly to forty-nine.

Before, however, this settlement of the dispute with Great Britain, and while it was in abeyance, there had been attempts to provide a government for Oregon. As far back as 1844 a bill had been introduced, not only singular in the time of its introduction, as its adoption then might have been cause of war with England, but containing the strange provision, that the sole power of framing and establishing the laws, slave or free, for the Territory, should be given to two officers, the governor and judge, to be appointed by the President. As the administration was under the control of the Slave Power, and as Indian slavery was already existing in this territory, there

was the well-grounded fear that, though lying north of thirty-six degrees thirty minutes, the adoption of the bill would somehow inure to the damage of freedom.

This fear, with the solicitude that England would deem its adoption just cause of war, created a determined purpose in those who dreaded both slavery and war to defeat the project, especially as there were evidences of an arrangement between Northern and Southern men by which Southern support of this project was made the condition precedent of Northern votes for the Texas scheme. Prominent in this effort was Robert C. Winthrop of Massachusetts. To prevent, as he avowed, "the two irresponsible lawgivers" from "legalizing the existence of slavery in Oregon," he moved the adoption of a provision, involving the principle of the ordinance of 1787, and the famous "Wilmot proviso," of a later date. His purpose, however, as he afterward explained, was mainly strategic, he supposing that the adoption of such a provision would render the measure so distasteful to Southern members as to prevent their support of the bill thus hampered by his amendment. He failed, however; for, though his provision was adopted, the South voted for the bill; which was carried in the House, but failed in the Senate. In 1846, Stephen A. Douglas, then a member of the House, reported a bill for the government of Oregon with its northern boundaries fixed by a treaty with England. This bill, amended so as to prohibit slavery, was adopted by the House, but it never reached a vote in the Senate. At the next session, he introduced another bill, to which Mr. Burt of South Carolina proposed, as an amendment, that slavery should be prohibited, "for the reason" that Oregon was territory north of thirty-six degrees thirty minutes, the line of the Missouri Compromise, dividing freedom from slavery. But the amendment was rejected, and the bill, though passing the House, failed in the Senate.

Early in January, 1848, Mr. Douglas, having been transferred to the Senate and to the leadership of its Committee on Territories, introduced a similar bill into that body. Near the close of May Mr. Hale introduced an amendment incorporating the principle of the ordinance of 1787 into the act



proposed. A debate of great earnestness and forensic ability followed, continuing several weeks, in which Southern members indulged in their accustomed style of invective and attempted intimidation. In his support of the amendment, Mr. Hale spoke with his usual courtesy and good-nature, but expressive of his defiance of all threats, and of his determination to press the matter of slavery prohibition according to the dictates of his judgment and conscience. "I am willing," he said, "to place myself upon the great principle of human right, to stand where the Word of God and my own conscience concur in placing me, and then bid defiance to all consequences." He was replied to by Democratic senators with great vigor, and with some display of feeling. Mr. Hannagan of Indiana accused him of provoking "a protracted, useless, idle, and pestiferous discussion"; Mr. Bagby of Alabama said the amendment "cast a direct, unnecessary, and gratuitous insult in the teeth of the people of the South"; while Mr. Foote expatiated largely on the dangerous consequences of the proposed amendment. Mr. Hale withdrew his amendment; but his withdrawal did not stop debate.

One section of the bill, the twelfth, proposed to recognize the laws framed by the settlers of Oregon, which excluded slavery, and to grant to its inhabitants the rights, privileges, and immunities secured to the inhabitants of Iowa, where slavery had been prohibited. Jesse D. Bright of Indiana, subsequently expelled from the Senate for giving aid and comfort to the Rebellion, moved to strike out this section. This necessarily opened the whole question of the relations of slavery to the general government. It was really the question afterward more tersely expressed: Shall slavery be national or sectional? Shall the Federal government take it under the ægis of its protection, or shall it be remanded to local laws and municipal regulations? As the slave-masters did not expect Oregon would ever be largely slaveholding, the discussion became rather one of principles than of measures.

In it Mr. Calhoun urged his peculiar views, and proclaimed his recently discovered dogma, that the national flag carried



slavery wherever it floated. He maintained the extreme position, that Congress had no power to prevent the citizen of a slave State from emigrating with his slave property to any Territory, and holding his slaves there in servitude ; that the people of such Territory had no right to legislate adversely thereto ; and that Congress had no power to vest such authority in a Territorial legislature. That doctrine, then deemed novel and alarming, Mr. Calhoun deduced from the equality of the States in the Federal compact.

Mr. Underwood, a Kentucky Whig, of moderate and conservative tendencies, charged the Northern Abolitionists with retarding the work of emancipation in his State, and with adopting a narrow policy and proscriptive tests. He warned the Northern members of his party that the tendency in the South was to produce a political alliance, offensive and defensive, with the Northern men they denounced as "dough-faces." If slavery should become the great test, he said, the maxim, "Divide and conquer," would be engraven on the Southern escutcheon. "That is," he said, "the only course left us whereby to escape the chain which Northern fanaticism is forging for us."

On the other hand, Mr. Baldwin of Connecticut combated the theories of Mr. Calhoun, maintaining that, under the circumstances in which the people of Oregon had been placed, there was an obvious propriety in the recognition of the validity of their past legislation. Deeply interested in the great issue involved in the question concerning their domestic institutions, unless estopped by the higher considerations of national policy and good faith, their voice should be heeded. The question was indeed one of a character affecting the whole American people, and fixing for all future time the destinies of the immense territorial acquisitions on the Pacific. Mr. Niles, too, his colleague, though a prominent member of the Democratic party, maintained substantially the same view, averring that he could not vote for the bill if the twelfth section was stricken out. Indeed, he avowed his willingness to incorporate into the bill, without qualification or restriction, the principle of the ordinance of 1787. "I do not profess,"

he said, "to belong to the party of progress, and God forbid that I should belong to that progressive party which advances backwards in the cause of civil liberty; which instead of advancing and adopting a more liberal, comprehensive, and enlightened policy, proposes to fall back on antiquated ideas and to extend and perpetuate an institution, originating in a barbarous age, and equally in conflict with every sound idea of an enlightened government, as it is with every true feeling of humanity." Even Mr. Houston of Texas expressed the opinion that it was not inconsistent with the slaveholding interests of the country to allow the citizens of Oregon to inhibit slavery.

But Mr. Berrien, though a Whig, seemed equally solicitous with Mr. Calhoun lest some principle should be admitted or precedent established that might inure to the damage of slavery. It was simply, he said pointedly, the question whether the ordinance of 1787 should be extended to Oregon. Reverdy Johnson maintained that, if the bill was passed as it stood, slavery would never be allowed in the Territory of Oregon. He wished the senators from the South to be aware of the fact, that if the twelfth section stood, slavery was just as effectually prohibited in that Territory as if they attached the Wilmot proviso to the bill.

The question recurring on striking out the twelfth section, Mr. Dix, a Democratic senator from New York, made an elaborate and scholarly speech in opposition to the extension of slavery, "as of evil tendency in government, wrong in itself, and repugnant to the humanity and civilization of the age." It was then moved by Jefferson Davis to so amend the twelfth section, as to provide that it should not be so construed as to authorize the prohibition of domestic slavery.

Mr. Bright, having withdrawn his motion to strike out the twelfth section, moved that the line of the Missouri Compromise be extended to the Pacific. Mr. Berrien, however, immediately renewed the motion, and the debate proceeded.

In his speech Mr. Calhoun advanced another extreme opinion, that the only property put under the express guaranty of the Constitution was that of slaves. He asserted, too, that

the South would never have assented to its adoption, had the Constitutional convention refused to provide for such protection. He developed and expatiated at great length upon the theory that slave-masters might take their slaves into the Territories and hold them there. He expressed, too, his belief that the issues growing out of the slavery question were the only issues potent enough to dissolve the Union. He opposed all antislavery restriction, past, present, or prospective. "If our Union," he said, "and system of government are doomed to perish, and we are to share the fate of so many great people who have gone before us, the historian, who, in some future day, may record the events tending to so calamitous a result, will devote his first chapter to the ordinance of 1787, lauded as it and its authors have been, as the first in that series which led to it. His next chapter will be devoted to the Missouri Compromise. Whether there will be another beyond I know not. It will depend on what we may do. If that historian should possess a philosophical turn of mind, and be disposed to look to more remote and recondite causes, he will trace it to a proposition, which originated in a hypothetical truism, but which as now expressed and now understood is the most false and most dangerous of all political errors. The proposition to which I allude has become an axiom in the minds of a vast majority on both sides of the Atlantic, and is repeated daily from tongue to tongue as an established and incontrovertible truth; it is that 'all men are born free and equal.' . . . As understood, there is not a word of truth in it. . . . It is utterly untrue."

While others, from indolence, greed of gain, and lust of power, without much consideration of questions of casuistry and political economy involved, eagerly clutched whatever the wicked laws of slavery gave them, Mr. Calhoun's devotion to the system seemed to be the result of carefully studied and well-matured convictions. He was the acknowledged embodiment and exponent of the principles of chattelhood, its philosopher, statesman, and chief. In this speech, which was one of his most elaborate efforts, he proceeded at great length in the development of the fundamental ideas and philosophy of his



system. Discarding the self-evident truths of the Declaration of Independence, the doctrines of Locke and Sydney, he maintained that they had retarded the cause of liberty and civilization; powerful to pull down governments and prevent their construction; had contributed largely to the "anarchical condition of Europe"; had caused Jefferson to take utterly "false views" of the subordinate relation of the black to the white race in the South; and threatened, through "deep and dangerous agitations," to involve the country in countless woes. Mr. Berrien followed in a speech hardly less extreme in the opinions advanced, or less violent in the tones and terms with which they were expressed.

Mr. Phelps of Vermont replied to both, at length, in a speech of remarkable eloquence and power. He commented in strong and severe language upon the insincerity of the nation's professions of liberty, while it sent forth and spread over its Territories the relics of a barbarous civilization. He protested against the doctrines advanced in the debate, and reminded senators of events then transpiring in France. "We have," he said, "seen the masses rising in their might, and, amid the throes of revolution, prostrating their arbitrary, tyrannical, and oppressive institutions, and proclaiming the doctrines of universal liberty and political equality. Nay, more, we have seen the shackles stricken from the African, as one of the first fruits of the revolution, and the whole system of African slavery exterminated at a blow, fully, absolutely, and forever, in all the dominion of the new republic. And we raised aloud the voice of approbation and sympathy. Yet, while the resolutions are floating to their destination, as if in mockery of our professions, our congratulations, and our sympathies, we are engaged in extending the same system of African slavery over the immense region now subject to our dominion, and preparing the way for its further extension to our future acquisitions." John Davis of Massachusetts, in a similar strain, pleaded against the proposed desecration of the virgin soil of Oregon. He expressed his willingness to abide by the compromises of the Constitution, and leave slavery in the States to be managed by

themselves without outside interference ; but he insisted that free soil must not be encumbered by slavery.

The replies and arguments of Southern leaders exhibited very noticeable evidences of the transition through which their minds were passing. As new dangers to the slave system were revealing themselves, the necessity of new precautions and new guaranties became apparent. Exactly what was demanded and what could be secured were clearly matters of doubt on which agreement as yet had not been reached. Though many of their speeches seemed little more than random remarks, and their plans, if any, inchoate and only rudimentary, it was clear that they were enunciating novel views and preparing to take a new departure on the slavery issue, as new for the South as for the North. Thus Mr. Mason denied in his remarks that the people of Oregon had the right, if they were so disposed, to exclude slavery, and he sharply rebuked the committee for bringing in a bill to sanction their action. Mr. Johnson of Georgia spoke at great length, denying the right of Congress or of the Territorial legislature to exclude slavery, and for this extreme opinion he urged the strict construction of the Constitution, reminding the South that in this strict construction was their only hope. Reverdy Johnson took gloomy views of the crisis, expressing his unwillingness to think of the consequences, or to lift the veil that hung between them and the horrors behind it, if the slavery controversy was not amicably ended. He warned senators that the slavery question was "the question of the day," casting all others into the shade. It must be settled soon, too, he contended, if settled at all. Mr. Hunter of Virginia expressed the thought that Congress should not hesitate between the alternatives presented. On the one side were union, harmony, prosperity ; on the other, bickerings, discord, and the wreck of every hope. The recognized right to take slaves into the Territory would bring the former, its inhibition the latter.

Jefferson Davis addressed the Senate at great length, maintaining that the real purpose of those who sought to appropriate the territories to the exclusive formation of non-slaveholding States was the political aggrandizement of the North ;

that the people of that section wished, by forbidding the growth of the slaveholding States, and by devoting the vast territorial domain to the formation of free States, to amend the Constitution and strip the South of the guaranties it gave. He asserted that, if the spirit of compromise had departed, the days of the confederacy were numbered, and that it was better to separate peaceably than to stain the battle-fields of the Revolution with the blood of civil war.

At the close of Mr. Davis's speech Mr. Clayton of Delaware, with a view, he said, to so concentrate opinion as to act with effect, moved for the appointment of a special committee of eight, four from the South and four from the North, to whom the bill should be recommitted. Mr. Foote of Mississippi approved the proposition for the settlement of the "much-vexed and perilous question." Daniel S. Dickinson, then a Democratic senator from New York, saw in the motion the "first gleam of sunshine." Mr. Hale did not share in such hopes, but thought that the exact reverse would be the result, and that its effect would be to "throw a mist all around us." He could never be a party to a compromise that involved moral dereliction. He could look all the horrors of dissolution steadily in the face before he could look to that "moral ruin which must fall upon us when we have so far prostituted ourselves as to become the pioneers of slavery over these Territories." Mr. Clayton's motion was adopted by a majority of seventeen, and himself, Bright of Indiana, Calhoun of South Carolina, Clarke of Rhode Island, Atchison of Missouri, Phelps of Vermont, Dickinson of New York, and Underwood of Kentucky, were appointed members of that committee.

Though, in form, the two sections were equally represented on this committee, yet the two conflicting ideas that were dividing the country were not. In form and by pretence it was constituted in the spirit of compromise; in reality it meant then, as ever, Northern concession to Southern exactions. Indeed, freedom had but one voice or representative, and that in the person of Mr. Phelps; and he, although a man of brilliant parts and generous impulses, was often, by personal defects and habits, unreliable, and never a match for



the Southern members and the three who sympathized but too manifestly with Southern views. That such a committee did not hopelessly betray the cause of justice and humanity in that struggle must have been due to that overruling Providence which watched over the nation's destinies when so seriously imperilled by the malign purposes of its enemies and by the weak and vacillating course of its friends.

The committee reported a bill to establish Territorial governments for Oregon, California, and New Mexico. Introducing the report, the chairman remarked that the territory, for which governments were proposed, covered an area of more than a million of square miles, large as a third of Europe, and capable of sustaining a mighty empire. The matter in controversy, he said, was clearly a constitutional and judicial question. The South contended and the North denied that the Constitution gave the owners of slaves the right to carry them into the Territories. It became, therefore, a judicial question, and must be decided by the Supreme Court.

This report, though seemingly non-committal, was really a pro-slavery document. It created an issue where there was no issue, it questioned what should not have been questioned, and made that dependent on the decision of a court which had already been guaranteed by the higher law of natural right. And these questions, involving not only human rights for the moment, but the future destiny of States themselves, were referred to a court whose known predilections and proclivities were hostile to freedom. The report and accompanying bill were, of course, the signal of a protracted and heated debate, in which the lines between the advocates of the two ideas were sharply drawn and vigorously maintained.

The protest against the bill was earnest and strong. Mr. Niles characterized the compromise as no compromise at all, saying nothing, doing nothing, amounting to nothing. Mr. Baldwin, from the same State, moved an amendment, that provision should only be made for the government of Oregon; but the motion was rejected by twenty majority. Mr. Hamlin remarked that they were gravely discussing the question whether they would create human slavery in territory now

free. Such was in fact the question. Sophistry could not evade it, and metaphysics could not escape it.

Mr. Corwin of Ohio brought to the discussion his distinguished ability and unrivalled powers of sarcasm. He maintained that if slavery went into the Territories and remained there one year, according to all experience, it would be eternal. For, if it planted its roots there, the next thing would be earnest appeals about the rights of property. He had great confidence in the Supreme Court, and agreed in the encomiums pronounced upon it by senators. He wished, however, to ascertain in what manner the response is to be obtained from "that infallible divinity, the Supreme Court." "It seems," he said, "that the meaning of the Constitution is to be forever hidden from us, until light shall be given by the Supreme Court. Sir, this bill seems to me a rich and rare legislative curiosity. It does not enact 'a law,' which I had supposed the usual function of legislation. No, sir: it enacts only 'a law-suit.' So we virtually enact that, when the Supreme Court say we *can* make a law, *then* we *have* made it." Portraying with great force of both logic and language slavery and its malign and blinding influences, he said if one man in fifty were a slaveholder in that Territory, he would persuade the forty-nine that it was better it should exist there. It was capital and social position, opposed to labor and poverty. He reminded the Senate that they were called upon to lay the foundations of society over vast spaces of territory, and ages unborn would bless or curse them as their work was voted wisely or badly done. "If I part company," he said, "with some here, I still find with me some of the past whom the nations venerated. I stand on the ordinance of 1787; there the path is marked by the blood of the Revolution. I stand in company with 'the men of 1787,' their locks wet with the mists of the Jordan over which they passed; their garments purple with the waters of the Red Sea through which they led us, of old, to this land of promise. With them to point the way, however dark the present, hope shines upon the future; and, discerning their footprints in my path, I shall tread it with unfaltering trust."

This earnest and vigorous debate continued till the 26th, when the Senate proceeded to vote on the bill and amendments. It was moved by Mr. Clarke of Rhode Island, that no law repealing the act of the provisional government of Oregon prohibiting slavery should be valid until approved by Congress; but his amendment was rejected by fourteen majority. Mr. Baldwin then moved that it should be the duty of the district attorney, on complaint of any one held in slavery, to take all needful measures in his behalf to secure his freedom, in the courts of the Territory, and, if the courts held that such person is a slave, to carry the case by appeal to the Supreme Court. But the amendment was rejected, less than one third voting for it. It was then moved by Mr. Davis of Massachusetts, that the ordinance of 1787 should remain in force in the Territory of Oregon; but that amendment was rejected by twelve majority. The amendments being disposed of, the bill was passed by a majority of eleven.

Having been reported to the House, Alexander H. Stephens moved that the bill be laid upon the table, which motion prevailed by a majority of fifteen. As the adoption of Mr. Clayton's "compromise" would unquestionably, as the Supreme Court was then constituted, have legalized slavery in Oregon, New Mexico, and California, it will ever remain a marvel that it should have been defeated on the motion of one who performed so important a part in the subsequent attempt to establish a confederacy with slavery for its "corner-stone." It was certainly singular that so prominent a representative of the Slave Power should thus throw away the advantage afforded by that report and bill.

In the House of Representatives, on the 9th of February, 1848, Caleb B. Smith, then a Whig member from Indiana, afterward Secretary of the Interior under President Lincoln, reported from the Committee on Territories a bill providing a Territorial government for Oregon. Near the close of the following month, it was taken up and debated in committee of the whole until the 1st of August. Upon that bill, the President's messages, measures relating to the Mexican war, the acquisition and government of Territories, and the presidential



election, many speeches, several of marked ability, were made in the House touching slavery and its issues. In no previous session had these subjects been more clearly and forcibly presented. Principles and policies had never been more fearlessly enunciated, and parties in the struggle were becoming more and more sharply defined. And yet, though the process of crystallization was in progress, there still appeared traces of individual preference and conviction, as if neither side had fully matured its policy, or clearly mapped out the ground it had finally decided to occupy. Consequently there was a great variety of motions, amendments, and conflicting votes, which would not have been witnessed at later stages of the struggle, when the issues had become more clearly defined, and the ascendancy of the Slave Power more unquestioned and complete. The various amendments offered and rejected exhibited a similar confusion of ideas and want of concert, some votes being inconsistent with others given by the same individuals, making it apparent that there were those who gave conflicting votes, now on one side and now on another of the vexed question. What, however, could not be gained, was the rejection of the twelfth section. This the House uniformly voted down, and on the 2d of March it adopted the bill by a majority of fifty-eight. Among the amendments proposed and rejected was one by Mr. Palfrey of Massachusetts, to strike out the words "free white" from the required qualifications of voters.

On the 5th of August, Mr. Douglas introduced into the Senate the bill with amendments, among which was one, extending the ordinance of 1787 to Oregon, with the reason, "inasmuch as said Territory is north of the parallel of 36° 30' north latitude, usually known as the line of the Missouri Compromise." Mr. Niles expressed his astonishment that the Committee on Territories should have reported such an amendment. Mr. Douglas explained that the committee unanimously desired that the vote on the Oregon Bill should commit no senator on the great question. Mr. Mason of Virginia charged the committee with a design to evade the slavery question. He referred to the "Free-Soil convention,"

soon to meet at Buffalo, and declared "but one god was to be worshipped there, and that that god was power,—the power to trample down the Constitution of the country." He referred with approbation to the recent decision of Virginia, not to regard any law of the United States that should forbid her citizens from carrying their slaves into any of the Territories.

In his reference to "power" as the only god of the new party, the irate and dogmatic Virginian spoke as a Southern politician, who forecasted the course of the new party of freedom by what he knew of the old party of slavery. As he and his party had known "no god but power," he may have apprehended that the chances were then adverse, and that the infant at Buffalo would soon become the giant to wrest from their hands the sceptre they had so long wielded with such despotic sway. But whatever may have been his thoughts or apprehensions, his words foreshadowed what soon became realities. The new party did obtain the power he feared, the old party did enact the treason he threatened.

To the threat of the Virginian, that his State, if forced another step, would proclaim nullification, Mr. Dayton of New Jersey responded in proper terms of fearless rebuke. Mr. Webster, too, with strong and emphatic language, discarded the seeming apology of the amendment. He was unwilling, he said, to give as a reason for the act that Oregon was north of the compromise line. "My objection," he said, "to slavery is irrespective of lines and points of latitude; it takes in the whole country and the whole question. I am opposed to it in every shape and in every qualification, and am against any compromise of the question." It seems difficult to realize that in less than two years the author of these noble sentiments and purposes could have delivered the 7th of March speech.

Mr. Butler of South Carolina spoke with more than his usual irascibility. He referred to the action of Virginia, and asserted that she had been responded to by all the Southern States. He told the Senate that his advice to his constituents would be to go to the Territories with arms in their hands and

take possession of what they had helped to acquire. "So help me God," he said, "I would advise my constituents to take with them their property, and settle at all hazards in that Territory. I would go home and give my constituents these views, and I trust I have not so much infirmity as to prevent me from carrying my purposes into effect." The bill, he declared, was a masked battery, from behind which the institutions of the South were to be assailed. But the South, he asserted, did not fear the contest; he was ready to embark in the boat with his State, and intrust it to the care of Heaven. Mr. Calhoun said the North could not be more determined to resist the South, than he was to resist such exclusion. He claimed that the North had been unable to meet the arguments of Southern senators. Referring to the divisions that distracted the North, he said the South stood united and firm. "Slavery," he maintained, with strange obliviousness of the facts of the case, "has benefited all mankind, all countries but the South. Slavery, like the waters of the Nile, has spread its fertilizing influences all over the world. It has benefited all but the Southern planter, who has been the tutor, the friend as well as the master of the slave, and has raised him up to civilization."

Mr. Niles, on the other hand, declared that the South had in view the extension of slavery, and that Mr. Calhoun traced the crisis to a wrong cause when he attributed it to the Abolitionists of the North. It sprung, he said, from the opposition of the free States to the Southern policy of extending slavery over the new Territories. They thought the Slave Power strong enough, and they would oppose to the last every effort to extend slavery over the continent.

Reverdy Johnson, in reply to Mr. Webster, avowed that if the North had come to a fixed determination to prevent the South from carrying their slaves into the new territory, the States could remain together no longer, though he admitted the power of Congress to enact such prohibition, and he believed, as a judicial question, that the decision would be against the South. Mr. Webster said, in reply, that he only spoke for himself, and not for the North. "I do not know,"



he said, "what the North is, or where the North is." He claimed that he was not one of those who were accustomed to speak of the dissolution of the Union. An earthquake might come, a volcano might burst forth, and thus a dissolution of the Union might be among possible calamities.

The motion of Mr. Foote, that the bill do lie upon the table, was rejected by a decisive vote. The amendment reported by the committee, giving a reason for the prohibition of slavery, received only the vote of Mr. Douglas and Mr. Bright. Mr. Douglas then moved to extend the line of the Missouri Compromise to the Pacific Ocean. Mr. Johnson of Georgia expressed his willingness to vote for that line, if it was offered in the same spirit as in 1820; and he desired to know if it was so tendered. Mr. Douglas replied that, speaking for himself, he could say it was so offered. The amendment was agreed to, and the bill passed by eleven majority.

The House, having refused to concur in the amendment, only three members voting for it, the bill was returned to the Senate, Mr. Mason making an unsuccessful motion to lay the whole subject on the table. Mr. Benton moved to recede from the amendment, and briefly gave his reasons for his motion. Mr. Berrien made an earnest appeal to the Senate "not to let this last opportunity for conciliation pass away," and he expressed his desire for a committee of conference. Mr. Calhoun urged the same course, saying that "the great strife between the North and the South is ended," that "the separation of the North and the South is completed. The South has now a most solemn obligation to perform, to herself, to the Constitution, to the Union. She is bound to come to a decision, not to permit this to go on any further, but to show that, dearly as she prizes the Union, there are questions she regards of greater importance than the Union." He closed by the declaration that, if the North did not give to the South a compromise then, she would at the next session demand all, and would not be satisfied with anything less. It seems hardly credible, in view of what were then notorious facts, and especially in the light of subsequent events and revelations, that one of Mr. Calhoun's intelligence could have

ventured upon such assertions before the American people. Monomania on the subject, is the only explanation which will rescue his memory from the imputation of conscious unfairness and untruthfulness.

It was not singular, then, that other Southern members, unwilling to indorse his extreme opinions, were prompt to disclaim sympathy with them. Mr. Bell of Tennessee remarked that he was a Southern man, and deeply involved in Southern interests, but he believed that Mr. Calhoun had placed the South in a wrong position when he assumed that by the decision of that question the die would be cast, and the issue then made would involve the dissolution of the Union. Mr. Houston protested against every attempt to traduce the Union, and every cry for its dissolution. He was of the South, and was ready to defend the South; but the Union was his guiding star, and he would fix his eyes on that star to direct his course. He expressed his regret that Mr. Calhoun had used menacing language against it. He solemnly affirmed that he would never go into a Southern convention, nor aid in any scheme to bring about a disruption of the States. He desired to know if "the South would raise troops to cut off emigrants to Oregon because they were going there without negroes. The senator from South Carolina, he said, after voting for the Missouri Compromise, could not head such a convention. Heaven would not let him. "Such a mutinous, non-descript company as he would have under him would never have been seen before."

Mr. Benton reminded the Senate that they had agreed to every word of the bill as it came from the House, but they had incorporated into it extraneous matter. They had heard from Mr. Calhoun of a "second chapter" in the history of dissolution. Chapter "number two" was to open on the Oregon bill. Menaces of that kind had no influence upon him. The man who should bring brick, mortar, and trowel to dam up the Mississippi had commenced a feasible enterprise in comparison with the project of that man who undertook to run a dividing line between the States. The debate continued through the night till after nine o'clock on Sunday morning, when a vote,

taken on Mr. Benton's motion to recede from the amendment extending the line of the Missouri compromise to the Pacific Ocean, was agreed to by a majority of four ; and the bill establishing a Territorial government for Oregon became a law. President Polk accompanied his signature of the bill with a message, in which he said that he did so only in consideration of the fact that the Territory was far to the north of the Missouri Compromise line. "Had it," he said, "embraced territory south of that compromise, the question presented for my consideration would have been of a far different character, and my action upon it must have corresponded with my convictions."

Thus closed a long, excited, and severe struggle to secure freedom to Oregon. Its people, left without a Territorial organization, had established a provisional government in which slavery was forbidden. Though their wishes had been thus manifested and their opinions were thus clearly known, yet for months Congress was made the theatre of a fierce and protracted struggle, led, too, by those most clamorous for State rights, to override those well-known opinions and wishes, and to give the slave-masters a right to carry their slaves across the continent, over the Rocky Mountains, and to hold them among a people who had shown their abhorrence of the system by their decisive vote against it.

These aggressive demands of slavery, during that long and fierce struggle, were resisted by the Northern Whigs with great firmness. Quite a number, too, of the Northern Democrats left on record their protestations of voice and vote against this attempt to force slavery upon Oregon against the clearly expressed wish of its inhabitants. Among them stand prominent the names of Dix of New York, Niles of Connecticut, and Hamlin of Maine.



## CHAPTER V.

### FUGITIVES. — KIDNAPPING. — NATIONAL RECOGNITION OF PROPERTY IN MAN.

Domestic slave-trade stimulated. — Slaves escaping. — Eastern Pennsylvania. — Active friends of the slave. — John Jay. — Case of the *Mobile*. — Before the courts. — Arguments of Jay and White. — The slave set at liberty. — Brazilian vessel. — Escape of slaves from the Tombs. — Slave case in Boston. — Forceful abduction in the harbor. — Meeting in Faneuil Hall. — John Quincy Adams. — Speeches of Sumner, Stephen C. Phillips, Wendell Phillips, Theodore Parker. — Personal liberty laws. — Unfriendly legislation in New Jersey, New York. — Opposition to antislavery press. — Decision of Supreme Court affirming the right of property in man. — Government sale of slaves.

THE annexation of the vast slave region of Texas, with soil and climate adapted to the culture of cotton, and the prospective acquisition of Mexican territory, increased the price of and the demand for slaves. The activity of flesh jobbers and land speculators was greatly stimulated, and the domestic slave traffic was largely augmented. The auction-block, the coffle, and the forced separation of families and friends, filled the bondmen, especially of the Border States, with dread. Many of the most intelligent and energetic among them sought liberty in flight. To no section of the land did they flee for succor and safety as they did to Eastern Pennsylvania; nowhere were there so many whose ears were quick to catch the footfall of the weary and fainting fugitive. Not ostentatious in words or deeds, the members of the old Abolition Society of Pennsylvania and of the more modern antislavery societies were faithful and fearless, persistent and painstaking. The city of Philadelphia and the counties of Delaware, Chester, Lancaster, York, and Adams, were studded with the stations of the "Underground Railroad," while faithful men and women stood ready to act as agents and conductors, to help forward the

fleeing chattels; good Samaritans to watch over and care for the weary, famishing, and often wounded victims. Many of these tireless men and women were Quakers, or of Quaker origin; and, though quiet in demeanor, as became their peaceful sect, they for years "stood self-consecrated, enveloped by the love of God, permeated by the love of man," and ready to render aid to the hunted fugitive.

To the judicious counsels and ceaseless labors of such men as Thomas Shipley, Elijah F. Pennypacker, Daniel Gibbons, Bartholomew Furnell, Lindley Coates, Edmund and John Needles, James Mott, William H. Furness, Charles D. Cleveland, Robert Purvis, William Still, James Miller McKim, and Edmund M. Davis, in Pennsylvania, and Thomas Garrett and John Hunn, in Delaware, and such women as Esther Moore, Abigail Goodwin, Lucretia Mott, Sarah Pugh, and Mary Grew, of Philadelphia, were thousands of lowly ones indebted for shelter and concealment, food and clothing, means of journeying on, and a hearty God-speed. Seldom have such opportunities of usefulness and self-sacrifice been accorded to men; and seldom, if ever, have they been more nobly and worthily improved than by the antislavery men and women of Eastern Pennsylvania.

There was, too, in the city of New York, that great mart of trade, with its Southern connections, interests, and prejudices against the African race and its friends, a body of earnest, determined, and sagacious antislavery men, who were deeply imbued with a Christian spirit and ready to make sacrifices of time, money, and ease for the good of the slave. Among them was John Jay, a gentleman of ability, culture, social position, and wealth, who inherited not only the name but the sense of justice and the love of liberty of an illustrious ancestry. Being an excellent lawyer, he had made those subjects of his profession in which the rights of man were involved matters of special study. His advice and counsel were, therefore, generally sought by these friends of the fugitive in the prosecution of their philanthropic, but oftentimes difficult and delicate, labors; and they were always cheerfully and freely given.

The office of the "Antislavery Standard," conducted by

Sydney Howard Gay, who entered heartily into the work, was a place of usual resort and conference for members of this devoted band. Mr. Gay was not only an accomplished journalist, subsequently connected with the "Tribune" and the "Post," but at that time an active and efficient agent of the "Underground Railroad."

The frequency of escapes, and the increasing numbers of those who were seeking and effecting them, incensed the slave-masters, and increased their activity and attempts to prevent them. Many were, therefore, arrested in their flight, and remanded to their bondage and chains. In this work the masters of vessels engaged in the Southern trade bore a prominent and generally a dishonorable part, exhibiting far greater anxiety to conciliate and carry out the desires of the slaveholders than to conform to the requirements of the statute. Indeed, so determined and reckless were they in these attempts, that they often incurred the guilt and exposed themselves to the penalties of kidnapping.

Early in Mr. Polk's administration, the brig *Mobile*, from Savannah, entered the port of New York with George Kirk, a colored man, on board, supposed to be a slave. Not being allowed to go on shore, a writ of *habeas corpus* was immediately sued out by Judge Edmunds. Going on board the brig, which had been hauled into the stream, the officer demanded the fugitive. The captain demurred, but after a little parley surrendered him. He was in irons, and bore the marks of hard usage. It appeared that he had secreted himself in the vessel, had not been discovered for several days, had confessed to the master that he was a slave and was endeavoring to escape from slavery, and that it was the purpose of the master to retain him in custody until he could return him to Savannah.

He was taken before the court, and John Jay and Joseph L. White appeared as counsel. Mr. Jay addressed the court in a plea replete with legal learning. Mr. White's argument the "Standard" characterized as "one of the most eloquent, logical, in every respect one of the most powerful, speeches ever listened to in a court of justice, or, indeed, anywhere." By the decision of Judge Edmunds the prisoner was discharged



from the custody of the captain. But he had hardly left the room when officers were again put in pursuit, armed with a new process, under a law which gave to the captain of a vessel on board of whose craft a fugitive was found a right to take such fugitive before the mayor. But he had been secreted in the office of the "Antislavery Standard," and could not at once be found. The captain offered a reward of fifty dollars for his recovery; and for this paltry sum the police force of New York, consisting of nine hundred men, was, under the sanction of the law, put on the track of this one trembling black man, who was simply trying to be free. They found him hidden in a box, in which he had been placed for the purpose of escape. A new writ of *habeas corpus* was sued out, he was brought before the same judge, the law was pronounced unconstitutional, and he was again set at liberty.

In the summer of 1847, a case occurred in which questions of foreign policy as well as domestic slavery arose, the adjustment and answer of which became subjects of protracted discussion. The circumstances were these: A Brazilian ship arrived in the port of New York, having three slaves as a portion of her crew. They were taken before the courts on a writ of *habeas corpus*. Mr. Jay appeared as their counsel. As they belonged to a foreign vessel, there were points involved which occasioned differences of opinion, as well as conflicting decisions by the different judges. In the mean time they were confined in the Tombs, and their somewhat peculiar case excited public interest, especially among the antislavery men of the city. While it was still pending before the courts, the prisoners mysteriously disappeared from the jail. An investigation shed no light upon the matter, the officials of the prison testifying that everything appeared as usual at the time of the escape, and that they were able to neither give nor find any clew to the strange disappearance of the men. There were those, indeed, who did understand the matter, and who subsequently disclosed the facts connected with the case.

Among those who were interested in the history and fate of these men were Mr. Gay, Elias Smith, and William A. Hall, whose regard for man was not limited by the lines of national-

ity, and who felt for the slaves of other lands as for those of their own. By the aid of a man confined in the Tombs for a breach of trust, and who became interested in these persons, the jailer of the prison was intoxicated. While he was sleeping, the key was taken, the doors were opened, and the prisoners were liberated. A carriage was in waiting, and they were placed beyond the reach of the officers. The jailer awoke to find everything apparently secure ; but his prisoners had fled. Mr. Jay, the counsel in the case, knew nothing of the mode of escape, nor did Mr. Gay. The judge, after investigation, decided that they could not be given up under the treaty with Brazil.

In August, 1846, a case occurred in Boston involving similar elements of lawless violence, but with less satisfactory results. The brig *Ottoman*, owned by John H. Pierson and commanded by Captain James W. Hannum, sailed from New Orleans for Boston. When several days at sea, a slave was found secreted in the vessel. The vessel, with the escaped slave on board, arrived early in September in Boston Harbor. Placing the slave on a pilot-boat for safe keeping, the captain went into the city and made arrangements that the bark *Niagara*, which was soon to sail for New Orleans, should take him back. Having made these arrangements, he went down the harbor, took the fugitive on board his boat, and awaited the arrival of the *Niagara*. Landing on one of the islands, the negro seized the boat and sailed for South Boston Point. The captain followed him in another boat, and after landing, and chasing the fugitive for two miles, captured him, accused him of theft, and took him by force down the harbor. A storm arising, the *Niagara* did not go to sea for some days ; and thus this man was forcibly held, without law and against law, in the waters of Massachusetts. But the fugitive was at length placed on board the *Niagara* ; and she, eluding the steamer sent down the harbor to rescue this person, thus violently and unlawfully restrained of his liberty and abducted by force from the jurisdiction of the Commonwealth, bore him back to slavery.

This inhuman and lawless proceeding very naturally excited deep indignation. A crowded meeting was held in Faneuil Hall.

John Quincy Adams presided. In a feeble and tremulous voice he alluded to the event which had brought him to that hall. He said he had, fifty years before, attended a meeting there, over which Elbridge Gerry presided, who, apologizing for his age and infirmities, declared that if he had but one day to live he would have been present. That event was the taking out of an American frigate certain seamen by a British man-of-war. On the same principle he then appeared before them. His own health and infirmities were such, he added, that nothing but that occasion would have brought him there. "It is a question," he declared, with great solemnity and impressiveness, "whether this Commonwealth is to maintain its independence or not. It is a question whether your and my native Commonwealth is capable of protecting the men who are under its laws or not."

Dr. Howe then related the facts of the case, so criminal in the actors, so discreditable to Boston, so dishonoring to the State. John A. Andrew, secretary of the meeting, then presented a series of resolutions, declaring it to be the first duty of all governments to guarantee the personal safety of every individual upon their soil; that there was nothing in the institutions and laws of any foreign state or nation that could justify or excuse any violation of the smallest right or privilege of the humblest individual within the borders of the Commonwealth; that the spirit of justice and freedom would be dead when an injury done to the least individual should cease to be felt as a wrong done to the whole; that the abducting of a man in the streets of Boston should be felt as an alarming menace against the personal rights and safety of every citizen; that every person who aided and abetted in the kidnapping and in carrying this individual into slavery deserved the sternest reprobation. The owners of the vessel, charged by its captain with having consented to and aided the illegal and shameful act, were called upon to disavow all participation in a proceeding so fatal to their character as merchants and as men, and to make every reparation in their power in rescuing the individual from the tortures to which their ship had illegally borne him. The resolutions were unanimously adopted, and a vigilance com-



mittee of forty was appointed, at the head of which was placed Dr. Howe, and with whom were associated some of the most eminent citizens of Boston.

The meeting was then addressed by Charles Sumner. He referred to the presence of Mr. Adams, whom he recognized as one of the leaders in the cause of human rights. He characterized the wrong that had been perpetrated as an injury and insult to Massachusetts, which should arouse the people to a determination to prevent the repetition of such a crime.

Stephen C. Phillips spoke of the abduction as a legitimate result of the slave system. He alluded to the statement made by Captain Hannum, in his own vindication, as an evidence of the influence of the Slave Power, by which the laws of Massachusetts were made subservient in the streets of Boston to the laws of Louisiana. He characterized the act as worse than piracy, and held the owners of the vessel in which the victim had been borne back to servitude alone responsible. He was himself a merchant, but he was also a man, responsible to God; and he would say to the individual involved in this case, who was personally known to him, that no merchant had a right to jeopardize the character of the profession to which he belonged, and he did not believe that there was another merchant in Boston who "would be guilty of such an act of injustice and wrong."

Wendell Phillips attributed the outrage upon the laws to the religious and social institutions of the country. If Captain Hannum had had in his possession a small slip of paper signed by the owner of the slave, they would have been obliged to stand up and witness the outrage without the power to prevent it. The resolutions, he thought, did not go far enough. The time had come when we should go further than simply to announce that we would sustain the laws. He would have the people come up to the point and say, "'Law or no law, Constitution or no Constitution, humanity shall be paramount.' I would send out a voice from Faneuil Hall that shall reach every hovel in South Carolina, and say to the slaves, 'Come here, and find an asylum of freedom here, where no talon of the national eagle shall ever snatch you away.'"

Theodore Parker said that legislatures could make and unmake laws ; but “ there is a law of God, written on the heart, that cannot be altered or revoked, — that we should do unto another as we would that others should do unto us. When the laws of Massachusetts or the laws of the Union conflict with the laws of God, I would keep God’s law in preference, though the heavens should fall. We have officers who tell us that they are sworn to keep the laws of the States and of the United States, and we are born citizens, born to obey the laws ; but every bone of my body and every drop of blood in my system swears to me that I am amenable to and must obey the laws of God.”

Captain Hannum justified his course in the public press, and claimed that his conduct had received the approval of his employers. Mr. Pierson, too, justified the act, and, in reply to the criticisms of the meeting, especially those of Stephen C. Phillips, asserted that his course received the general commendation and approval of the merchants of Boston ; and he expressed the confident belief that “ the response of those assembled on ‘ ‘Change ’ any day from half past one till two, would confirm his doings, five to one.” That vote was never taken ; but it is to be feared that, had it been, discreditable as such a conclusion may seem, the result would have shown that he had too much reason for his confidence.

Cases like these, appealing as they did to the humane and generous sympathies of noble men and women, impelled them to put forth every effort to secure legal protection against kidnapping. Soon after the decision of the Supreme Court in the Prigg case, Massachusetts and Vermont had forbidden the use of their jails and the services of their officers for the arrest and detention of fugitives from slavery. Unsuccessful efforts were put forth to secure similar legislation in New York, and also the repeal of the “black laws” of Ohio. In 1847 the legislature of Pennsylvania repealed a law by which a master could hold a slave in that State for six months, and also, like Massachusetts and Vermont, enacted laws forbidding the use of jails for the retention of fugitive slaves. Among the friends of freedom who were active in securing this enactment was Charles

Gibbons, then the presiding officer of the Senate, who distinguished himself by the service he rendered. In 1848, Rhode Island followed the example of Pennsylvania.

But while there were these demonstrations of right feeling and evidences of progress, there were other manifestations of sentiment and purpose that were not so encouraging. Thus New Jersey, although passing a law extinguishing the last relic of slavery which lingered there as late as the year 1846, enacted that non-residents, travelling in the State, might take their slaves with them as household servants. Connecticut, also, like New Jersey, although extinguishing slavery in 1848, rejected in 1847 a proposition to give to colored men the right of voting, by an overwhelming majority. In New York, too, in a convention for a revision of her constitution, the clause requiring a property qualification for colored men was retained, though it submitted it, as a separate proposition, to a popular vote. The question excited great interest. The Whig press, of which the "Tribune" distinguished itself for its advocacy of equal rights, generally supported the claim of the negro to an equality of privilege with the whites. But passion and prejudice prevailed, and the proposition was defeated by a large majority.

The annexation of Texas and the Mexican war intensified the prejudices of the Southern people, increased their determination to protect and conserve the slave system, and rendered them more alert in detecting and prompt in opposing anything that threatened either danger or damage to it. Antislavery men, no matter how moderate and prudent, especially if connected with the press, were made to feel the full force of these suspicions and determination. An antislavery journal, the "Saturday Visitor," had been established at Baltimore, and an effort to suppress it as an incendiary publication was made by the citizens of that city. But its conductor, Dr. Snodgrass, firmly maintained his right to publish it, the effort failed, and its brave editor lived to see the system it had so earnestly assailed swept away.

In Washington, "The National Era" had been established by Dr. Bailey, as an organ of the Liberty party. Though it



was edited with great ability and tact, and was also the vehicle of some of the most polished and scholarly pens in the country, having John G. Whittier as its corresponding editor, it excited the ire of the slaveholding population of the capital, and of the South generally. Indeed, the city government of Georgetown took the matter into consideration, with a view of suppressing the feared and hated sheet. But the courage and courtesy of the editor carried him safely through the menacing dangers by which his journal was surrounded ; and, though it did not live to celebrate in fitting terms the death of the system whose horrid life had brought it into being, as it had been the inspiration of its earnest and effective career, it did live to deal most damaging blows to the giant crime, and it may be truly recognized as having been among the most potent agencies of the antislavery cause.

But there was one conductor of a public journal, whose utterances against slavery became, in the hands of the incensed slaveholders, the occasion of his death. John H. Pleasants, editor of the Richmond "Whig," inserted a few articles, written by another, on the economic bearings of the question. His indorsement of the doctrine of the articles was, in the eyes of his slaveholding patrons, an unpardonable offence, and he was compelled to retire from the paper. Being associated with another journal, he became involved in a controversy with his old antagonist, Mr. Ritchie, the editor of the "Enquirer," of the same city. Receiving a challenge from the son of Mr. Ritchie, which he accepted, he fell a victim alike to the barbarism of slavery and of the duello.

In 1846, the Supreme Court rendered a decision in the Van Zandt case, by which, perhaps more distinctly and defiantly than ever before, the idea of property in man was proclaimed to the country and to the world, and that which Lord Brougham had pronounced "a guilty fantasy" in England was here declared to be a constitutional provision, to be protected by the sacred guaranties of the time-honored charter of the nation's life. "In coming to that conclusion," said Justice Woodbury, who read the opinion of the court, "they were fortified by the idea that the Constitution itself, in the clause before

cited, flung its shield, for security, over such property as is in controversy in the present case, and the right to pursue and reclaim it in another State." To show that the nation did not regard it as a mere barren right, not far from the same time the United States Marshal for the District of Columbia advertised for sale, in the city of Washington, two colored women, one sixty and the other twenty years of age, to satisfy a judgment rendered against a citizen by the Post-Office Department; and these women were sold, and the money was put into the treasury of the nation.

With bondmen fleeing and slaveholders pursuing, with the Supreme Court proclaiming the doctrine of property in man, with women sold by the government itself, on the auction-block, with the army fighting on foreign soil for conquest in slavery's behalf, with statesmen striving to desecrate free territory with the blot and blight of oppression, thoughtful men began to realize more fully the condition of their country, and of themselves as well, and to comprehend more clearly the responsibilities and duties of the crisis which seemed so rapidly approaching.

## CHAPTER VI.

UNDERGROUND RAILROAD. — BURR. — WORK. — THOMPSON.

Essential violence of slavery. — Escape of slaves. — Workings of Underground Railroad. — Characteristics of Western society. — Heroic endurance of the fugitives. — Sacrifices of their friends. — Van Dorn, Coffin, Rundell Palmer. — Noble conduct of Palmer's daughter. — Imprisonment of Burr, Work, and Thompson. — Their fidelity and Christian bravery. — Released.

VIOLENCE was the essential element of slavery. From the first slave-hunt in Africa to the surrender of the Rebel army at Appomatox, whenever and wherever its influence was felt, violence was the law of its being. It laid its ruthless hand not only upon the bodies and souls of the slaves, but upon the finer sensibilities and moral convictions of the nation. It trifled with the tenderest feelings, scorned all scruples of conscience, and trampled upon the law of God. To hold a slave was a direct and defiant challenge to the manhood, the patriotism, and the conscience of the individual, the community, and the nation. Nor was it any less — it was, indeed, greater — because men consented thereto, became reconciled to it, defended it, and even lent their aid to its support; for then it had accomplished its fatal work, and had destroyed what it had at first outraged and debauched. This "constant warfare," as Jefferson, himself a slaveholder, characterized the relation of master and slave, involved all this without any of the accessories of cruelty or excessive ill treatment. No word need be spoken, no blow struck. How much more when the petty tyrant of the lash used harshly his power, and the slave, thus abused and seeking relief in escape, invoked the aid of others in his flight toward the north star and liberty.

Then the whole soul of the true man revolted against such barbarism, and rose in mutiny against the laws which sanctioned and sustained it. Frederick Douglass, standing on the



shores of the Chesapeake, and looking wistfully after the white sails which were bearing his heart away but were forbidden to take his body, was hardly more restive under the tyranny which bound him to the hated spot than were thousands who were hampered and held back by law from giving him and such as he their helping hand and hearty God-speed. Charles T. Torrey dying in a Baltimore prison, Anthony Burns marching down State Street between files of soldiers to a United States vessel in the stream, and the story of Eliza in "Uncle Tom's Cabin," were but representative facts. They revealed a state of affairs, and purposes resulting therefrom, on which rested what became an important institution, as it was but the necessary and natural consequence of what could not but exist and must reveal itself. It betokened, on the one hand, the imperious desire of the slave to escape from such horrible bondage; and on the other revealed the equally natural wish of others to aid him in that escape. Both were but developments of principles which lie embedded in the human constitution; both arose in obedience to higher laws than any of human enactment.

Additional and auxiliary causes greatly increased and intensified these natural influences, and prompted to both the attempted escapes and the proffered aid in making them. In the settlement of the Western States a very large per cent of their earlier emigration was from the South. Being generally the "poor whites," and leaving mainly on account of slavery and the hindrances it interposed in the way of their success in life, these emigrants, strangely enough, took with them their Southern prejudices, and became in their new homes the willing instruments of the same power of which they had been the victims before their removal. At least, this was true of the large majority. A small minority, mostly ministers and members of churches, had left the South from moral considerations, because they were opposed to slavery from principle; and they remained in their new homes no less hostile than before. This hostility was strengthened by the large New England element with which they came in contact; by antislavery discussions, which were so rife in those days; and by the aggravated

instances of encroachment and outrage which were from time to time revealing the violent and aggressive character of the system.

In addition to the occasional escapes across Mason and Dixon's line into contiguous portions of the free States, where, for obvious reasons, the fugitives were specially liable to arrest, soon after the war of 1812 they began to find their way towards Canada. Many of the soldiers of that war, on their return to Virginia and Kentucky, carried back the welcome intelligence that there was a land of freedom towards the north star. Many of the slaves, catching at these vague items of information, made them the basis of plans of escape which, in entire ignorance of the distance and dangers of the way, but with the marvellous faith for which that race is so remarkable, they proceeded to put into execution. Many such, as early as 1815, began to find their way across the Western Reserve, where they were pretty sure to find a cheerful welcome, a hearty God-speed, and the needful aid and directions. Elizur Wright, Jr., whose childhood was spent there, says of them, that they were remarkable for their desire to pay in labor for what they received, and thus "awakened a feeling in the white settlers very different from that which had been indulged towards the lazy mendicant Indians, whose faces had been too familiar before the war." Among those whose houses were always open to the fugitive were the best and leading men of that New England of the West, — such men as Leicester King, Elizur Wright, General Perkins, John Sloane of Ravenna, afterward member of Congress; David Hudson, from whom the town of Hudson received its name, a Revolutionary veteran; and Owen Brown, father of the immortal John Brown, who thus early imbibed his love of freedom, and took his first lessons in practical emancipation.

Illinois, having not only its southern but largely its western boundaries bordering upon the slave States, early and largely participated in the same work. The expulsion from Missouri of Dr. Nelson, one of the ablest, most popular, and most useful of its ministers, for entertaining antislavery views, by ruffians armed with rifles, who compelled him to betake him-



self, like a fugitive slave, to the woods, from which he could escape only by stealth into Illinois; what was tantamount to the expulsion of Lovejoy from the same State for the same cause, and his subsequent murder at Alton; the arrest, trial, conviction, and long imprisonment of Thompson, Burr, and Work, for no other crime than that of attempting to aid two fugitive slaves to escape from bondage;—these cruel and tragic events filled the public mind with alarm, fixed attention, and pressed home upon all the most pregnant questions, not only of duty and humanity, but of patriotism and personal safety. These facts provoked discussion, led to the organization of societies, and to the putting in motion of the general machinery of means to affect the public mind and purpose. These discussions at the North provoked counter-discussions at the South, of which the slaves were often unbidden hearers. True, they comprehended but vaguely their full import, but they gathered their *drift*. They learned that there was a land of freedom, such a thing as escape, that many had effected it, that there were those who rendered aid, and that the north star pointed out the way to those friends and to that freedom. The consequence was that the numbers who sought such escapes increased, and that many, every year, gained the eagerly sought boon.

But they could not effect their escape alone and unaided. This exigency, however, was provided for. The discussions which had reached their ears raised up friends at the North, who were willing to render the needed aid and to share in the risks they were compelled to run. The Underground Railroad was the popular designation given to those systematic and co-operative efforts which were made by the friends of the fleeing slave to aid him in eluding the pursuit of the slave-hunters, who were generally on his track. This “institution,” as it was familiarly called, played an important part in the great drama of slavery and antislavery. By its timely and effective aid thousands were enabled to escape from the prison-house of bondage, and to elude the clutches of merciless slave-catchers, pressing after them with hot haste and often with bitter exasperation. They who belonged to it, who guided and



sustained its operations, bore no title, had no written constitution, and were bound by no secret oaths. But they were the true "Sons of Liberty"; the real, not the sham, "Knights of the Golden Circle." Theirs was not the diabolism of slavery, under the divine name of liberty, but fealty to freedom at serious sacrifices of time and money, at grave risks of personal liberty and life,—a knight-errantry which, though forbidden by the laws of man, they knew must be in accord with the laws of God,—of him who required them to love their neighbors as themselves, to feel for those in bonds as bound with them, to visit the prisoner in his cell, and to care for the downtrodden and betrayed. Generally, though not exclusively, they were members of Christian churches, who felt both justified and constrained by their religious convictions to ignore those laws of the government which forbade such succor, and the sentiment, rife in both church and state, that frowned upon this disregard of what were popularly regarded the compromises of the Constitution.

The practical working of the system required "stations" at convenient distances, or rather the houses of persons who held themselves in readiness to receive fugitives, singly or in numbers, at any hour of day or night, to feed and shelter, to clothe if necessary, and to conceal until they could be despatched with safety to some other point along the route. There were others who held themselves in like readiness to take them by private or public conveyance. If by the former mode, they generally went in the night, by such routes and with such disguises as gave the best warrant against detection, either by the slave-catchers or their many sympathizers scattered far too thickly even in the free States. To carry forward these operations, however, manifestly required calm and heroic courage, patience and perseverance, wise calculation and shrewd forethought, and no small amount of money. And it happened that there were many willing to make generous contributions of their means, who were unwilling to perform the labor, risk the danger, or compromise themselves by joining personally in a service the popular voice condemned. Indeed, though the cost was great, seldom, if ever, were any held back for the lack

of friendly hands to succor and the needful means to carry them forward.

When the wide extent of territory embraced by the Middle States and all the Western States east of the Mississippi is borne in mind, and it is remembered that the whole was dotted with these "stations," and covered with a network of imaginary routes, not found, indeed, in the railway guides or on the railway maps; that each station had its brave and faithful men and women, ever on the alert to seek out and succor the coming fugitive, and equally intent on deceiving and thwarting his pursuers; that there were always trusty and courageous conductors waiting, like the "minute-men" of the Revolution, to take their living and precious freights, often by unfrequented roads, on dark and stormy nights, safely on their way; and that the numbers actually rescued were very great, many counting their trophies by hundreds, some by thousands, two men being credited with the incredible estimate of over twenty-five hundred each,—there are materials from which to estimate, approximately at least, the amount of labor performed, of cost and risk incurred on the despised and deprecated Underground Railroad, and something of the magnitude of the results secured. And then, when there are brought into account the daring and endurance, the marvellous hope and sublime trust often exhibited by the fleeing fugitive, and the chivalrous disregard of sacrifice and danger displayed by those who helped him on, it can hardly be deemed extravagant to assert that some of the brightest pages of American history have not yet been written; and that for romantic interest, heroic bravery, and persistent courage, incidents might here be found equal to any in the annals of the Revolution or of the Rebellion. It should be added that, while the mode sketched above was that generally employed, there was a great variety in the methods resorted to, usually decided by the circumstances of the case, or by the individuality of the persons employed. They who were engaged in this hazardous enterprise, untrammelled by statutes or precedents, were generally a law to themselves, and adopted the measure that gave the fairest promise of immediate success. The incidents here

noticed will but afford illustrations of that state of constant unrest, conflict, and peril, personal and public, which the existence of slavery and antislavery was constantly provoking and rendering inevitable.

There was much in the characteristics and circumstances of Western society, its general heartiness of mind and manners, its rough-and-ready, free-and-easy style of doing things, which alike prompted and facilitated this particular form of philanthropic effort. Its inhabitants, freed from the constraints of the conservatism and conventionalism which naturally obtained in the older States, found less difficulty in coming at once to fundamental principles, and in conforming their conduct thereto. As the supporters of slavery were more outspoken and violent, so its enemies were more positive and determined. Recognizing the paramount claims of right, they had less hesitation in obeying its voice. A complete list of such and of their doings would fill volumes. Only the briefest mention of a few must serve as examples of the many.

Mr. Van Dorn, an extensive and successful business man of Quincy, Illinois, numbering some two or three hundred fugitives helped onward in a service of twenty-five years, thus explains his course, and gives these reasons for his conduct. "My location was such," he says, "that I had either to ignore my principles or 'hide the outcast' and take the consequences of being persecuted as a 'despised Abolitionist.' Under these circumstances 'I conferred not with flesh and blood,' but avowed my sentiments, and for twenty-five years kept up a 'running fight' with the minions of darkness, who, in the interests of slavery, were ever ready to devour any one who would give aid or succor to the fugitive." Rev. Asa Turner, a home missionary, going to Illinois in 1830 and earnestly engaging in the struggle from the first, thus testifies as to the fact and mode in which the stern strife was entered upon and prosecuted. "Conventions, lectures," he writes, "and protests against the wrong, were some of the means relied on, and preaching against it all the time. Somehow the Bible became a wonderful *Abolition book* to those who were in the battle. One instrumentality later employed was that of



helping the fleeing bondmen on their way to freedom. Lines were formed through Iowa and Illinois, and passengers were carried from station to station, usually in the night, till they reached the Canada line. It made large draughts on the pockets and on the physical strength of all engaged. But the work paid gloriously in the answer of a good conscience toward God. Before the war commenced, it became almost impossible for a slaveholder to recapture his runaway."

For obvious reasons the operations of the Underground Railroad in Ohio were extensive. Among those engaged in it was Levi Coffin of Cincinnati, familiarly called its president. He was a Quaker of great worth, high social position, and extensively known in both this country and Great Britain as a philanthropist largely engaged in works of benevolence and reform. It has been estimated that he was instrumental in the escape of between two and three thousand slaves. In the north-western part of the State the house of Rundell Palmer was ever open to receive the fugitive. He claims mention here, not simply for his own fidelity and the prowess of his daughter, but because an incident occurred there that affords a forcible illustration of the stern duties and serious responsibilities they assumed who volunteered the service of such a "station." In midwinter, twelve men and women were brought to his house in early morning, exhausted and hungry from the hardships and hazards of a winter trip from their homes to and across the State. To their consternation and his perplexity, simultaneously with their arrival was that of their infuriated pursuers. Armed with weapons as well as with the authority of the United States, they surrounded and entered the house, and demanded the immediate surrender of their victims. In this exigency, while the father was endeavoring to throw some legal obstacle in the way, the daughter, afterward the wife of Rev. H. W. Cobb, a young woman of some twenty years, interposed herself between the fugitives and their pursuers, and sternly demanded that they should not be molested until they had been fed. They demurred, brandishing their weapons in her presence; but she boldly stood her ground, and held them at bay until the mother prepared the much-needed breakfast, and

the father had sued out an unavailing process to compel them to prove their property, — something they were unfortunately enabled to do, at least to the satisfaction of the officials. Cowed by the bravery of the heroine, they obeyed her mandate, and went away muttering curses, but declaring that “they never saw such a brave young lady.” Such was the spirit and such the stuff demanded by the exigencies of those dark and disgraceful days; such the price they were obliged to pay who would be true to their convictions. All honor to the “brave young lady,” and all honor to the brave men and women who were not then found wanting! But who can think without a shudder, even now, of the terrible fate of those twelve men and women who, after enduring all they had encountered, just on the eve of deliverance were thus suddenly and rudely stopped and remanded to a condition made all the more dreadful because of this unsuccessful attempt? What a midwinter journey was that, as they retraced their sorrowful footsteps, entirely in the power of those bad, brutal men! What a fate, too, they probably met at the hands of their exasperated masters! And all this in the name of law, under the ægis of the government, the great body of the people, in the church as well as out of it, consenting thereto!

In 1841, there occurred an event in Missouri which revealed not only the spirit and purpose of the slave-masters in that part of the country, but the sacrifices and sufferings of those who aimed to put in practice the great law of Christian love, and to obey the precepts of the Gospel toward the lowly fugitive. For the purpose of affording cheap facilities for acquiring an education, an institution of learning, styled the Mission Institute, was established on the eastern bank of the Mississippi. Among those who resorted to it were two young men, James E. Burr and George Thompson, who were then pursuing a course of training for the Christian ministry, and Alanson Work, some forty years of age, with a wife and four children, who had taken up his residence there for the purpose of educating his children.

Deeply imbued with the spirit of freedom, they were greatly affected by the scenes of suffering and violence which were



daily exhibited in Missouri, in consequence of the existence of slavery in that State. The cries for help and sighs for deliverance which were constantly coming to their ears stirred within them their deepest sympathies, and pressed upon them the inquiry whether there was not something they might and should do in their behalf. Some time in July of that year they made an agreement with two slaves, that, if they would meet them at a certain point on the river, they would render them such assistance as was within their power to help them on their way to freedom. In pursuance of that purpose, Mr. Work and Mr. Burr went into Missouri to reconnoitre, and to lend such helping hand as was needed to expedite the escape of those they would aid, while Mr. Thompson remained in the boat, under the pretence of fishing, till his agency was required to transport the expected fugitives across the river.

Instead, however, of a welcome, the two were surrounded by a number of slaves, who pretended they were going with them, though they were really acting as decoys for slaveholders, who at once sprung upon them and made them prisoners. They were bound and placed in custody, while their captors started in pursuit of Mr. Thompson, whom they compelled by threats of instant death to surrender. Being bound, they were marched for several miles, amid the threats and hootings of the enraged Missourians, to a house where, tied together, they spent the night. The next day, led by slaves and escorted by fifteen horsemen, they were taken to the Palmyra jail, and committed for slave-stealing. Chained together and fastened to the wall, they were guarded as desperate criminals by an armed force during the whole time preceding their trial, while a slaveholder, confined for the alleged crime of murder, obtained bail and was set at liberty. Nor were any of their many friends, who called to express their sympathy and to proffer their aid, with the exception of the wife and children of Mr. Work, allowed to see or converse with them. Indeed, they were treated with the greatest indignity and with very unnecessary discomfort and cruelty.

But, deeply impressed with the righteousness of their cause and with the presence of God, they were sustained by the firm



conviction that their sufferings would inure to the ultimate deliverance of the slave. As Latimer said to Ridley, when bound to the stake: "We shall this day light such a candle, by God's grace, in England, as I trust shall never be put out," so Mr. Thompson wrote in his journal: "I have no doubt that God will kindle a fire that will burn and spread, not only through this region and State, but throughout the United States, and that will hasten the deliverance of the oppressed and the conversion of the world. O, how unworthy am I to be the brand that shall be burned to cause this light!" That they probably overrated the significance and the results of their persecutions and sufferings, and failed to comprehend the providential method that was ultimately to be the means for the final overthrow of slavery, did not deprive them of the comfort and support of their sublime faith in God, and the blessed assurance that even their severe discipline would work for their good.

Through the aid of friends, two lawyers — Warren of Quincy, and Wright of Palmyra — were employed as counsel; but, having no sympathy with the antislavery cause, they were unwilling to undertake the case without the assistance of another. Mr. Work was, therefore, obliged to give his note for two hundred and fifty dollars to secure the services of Mr. Glover. There were three indictments. One charged them with "stealing slaves, another with attempting to steal them, and the other with intending to make the attempt." Everything, however, about the trial was *ex parte* and one-sided. Eleven of the jurors confessed themselves prejudiced against the prisoners; only the witnesses summoned to testify against them were allowed to give their testimony, and they swore falsely; and then, by the admission of their enemies, they had broken no statute of Missouri. Wright, in his plea for the prisoners, thus presented the case and his position. "I appear before you," he said, "as a friend to our institutions, as a citizen of the State, and as a slaveholder, but also a defender of justice. I believe these men were honest in their intentions, and really desired to benefit the slave. I have no doubt that they think themselves persecuted; and, should they go to

the penitentiary, will feel that they are martyrs, and that their crown will shine brighter and their song rise higher on account of what they suffer. I despise an Abolitionist, and their conduct too ; but I plead that there is no law to hit the case, and, therefore, they should not be punished. Our only way is to send men to Jefferson who shall make provision for the future. Let justice take its course." His advice was so far followed that in 1845, four years later, such a law was enacted. His appeals, however, were in vain, and after a charge from the judge declaring them guilty, the jury returned a verdict of " Guilty, and twelve years in the penitentiary."

The three were at once removed to prison, where, like other prisoners, they were compelled to undergo a confinement, always and everywhere rough and rigorous enough, but in that semi-barbarous and slave-ridden region and society, unrelieved by the considerate arrangements which prison discipline requires, and the advanced civilization of the Northern and Eastern States has introduced, still more repulsive and harsh. And this was aggravated at first by the drunken frenzies of an intemperate jailer, who often made them suffer from the insane promptings of a harsh and brutal temper crazed with rum. They were, however, Christian men, who had strong faith and an unwavering trust in God, who would honor their Master, and who would do good to their fellow-men. They were consistent in their walk and work, and the light of their example, shining in the darkness, not only attracted attention, but showed how much better was virtue than vice. They won the confidence of both keepers and prisoners within their prison-walls, and secured the good-will of officials of higher rank and greater influence. They conversed with their brother prisoners, giving consolation and counsel to the sick and dying, warning the hardened, and directing the penitent and inquiring. Among the apparent consequences of such fidelity there were one or two religious revivals, and much good seemed to be the result of their pious and painstaking labors.

Their correct deportment raised up friends for them even among those who were incensed against their Abolitionism.

The report gaining currency that Mr. Work's family was suffering on account of his absence, and consequent inability to minister to their necessities, softened the hearts of his persecutors, and prepared the way for a favorable application to the governor for his release. On the 20th of January, 1845, Governor Edwards issued his proclamation remitting the further execution of the sentence pronounced against him, "on the express condition, however, that said Work returns to the State of Connecticut, his former residence, with his wife and children, and settles himself there"; his imprisonment having continued "three years, six months, and seven days." A little more than a year later, Mr. Burr was released, without the unjust condition of being compelled to leave the State. Mr. Thompson, being better educated, and more unreserved in the expression of his sentiments, as was exhibited in his letter to the governor and in a conversation with the Secretary of State, was treated with less leniency, and compelled to remain longer. He was, however, finally pardoned, after an imprisonment of five years lacking nineteen days, and after being required to confess that he regretted the act for which he was punished, and promising that he would not repeat it. After his pardon was granted, there is this singular entry in his journal: "June 14th. For the last time I collected the lambs and had another prayer-meeting. It was a blessed reviving season."

Such were the men, and such their manifest spirit and purpose, whom Missouri felt obliged to incarcerate in a felon's cell for no other crime than that of aiding two men in an unsuccessful attempt to escape from the rigors and perils of a bondage in which they were unjustly and wickedly held. And the American government, and the American church, at least as bodies, had no words of protest to enter against so barbarous a deed!



## CHAPTER VII.

### UNDERGROUND RAILROAD. — OPERATIONS AT THE EAST AND IN THE MIDDLE STATES.

Charles T. Torrey. — Slaveholders' convention in Maryland. — Arrest of Mr. Torrey. — Sent to jail. — Released by the judge. — Consecrates himself to the work of freeing the slave. — Aids slaves to escape. — Arrest. — Trial. — Conviction. — Imprisonment. — Sickness. — Death. — William L. Chaplin. — Helps Slaves to escape from Washington. — Arrested in Maryland. — Held in exorbitant bonds. — Bonds paid. — Jonathan Walker. — Thomas Garrett.

THE arrests, imprisonments, trials, and death of Charles T. Torrey in the Maryland penitentiary are among the more memorable examples and incidents connected with the working of the Underground Railroad. The wide notoriety of his acts, his position as a young clergyman, the great respectability of his connections, the high standing of those who sought his reprieve or some mitigation of his sentence, with the persistent refusal of the authorities to grant it, challenged scrutiny, demanded investigation, and compelled thoughtful men to ask and show cause why such acts of neighborly kindness should be so severely punished.

Mr. Torrey was born near the spot where the Pilgrims landed, and of an ancestry distinguished for their piety and political standing. His parents dying in his early childhood, he was placed under the care of his grandparents. Quick and impulsive, he did not receive that thorough and careful restraint from these indulgent guardians which one of his mercurial temperament required. When, therefore, he went forth into the world, he had not gained all that caution, that calm and calculating self-control, which one differently constituted and differently trained might have exhibited in the peculiarly trying circumstances in which he was afterward placed. When he was brought into close contact with slavery, and became

acquainted with the sad story of the slave's wrongs and wants, he was not so well prepared to listen to the cool counsels of prudence, as he was prompt to reduce to practice, without much refining and weighing of consequences, that "disinterested benevolence" which was the great idea of his religious creed.

Graduating from Yale College in the year 1830, he was settled in 1837 as pastor of the Richmond Street Congregational Church in Providence. In the mean time he had married the second daughter of Dr. Ide of West Medway, Massachusetts, his theological teacher, and granddaughter of the late Dr. Emmons of Franklin, of the same State, a distinguished theologian of his day. By this marriage he became allied to prominent leaders in a school of theology whose distinguishing feature had ever been an inflexible adherence to the logical conclusions of the doctrines of its creed, in their practical as well as their theoretical results, thus extorting the admission of a veteran antislavery writer that he had "never known a Hopkinsian clergyman who was not an Abolitionist." The great reforms, especially the antislavery, then at their spring-tide, and stirring the public mind deeply, would not permit him to enjoy the quietude of a pastor's life. Accordingly he relinquished his pastorate in the autumn of 1838, and engaged in delivering antislavery lectures.

In 1842, there was a slaveholders' convention at Annapolis, Maryland, at which, as if the laws of that State were not inhuman and unchristian enough, it was proposed, even at that late date, to make them still more oppressive and wicked. Among other propositions, hardly less degrading and cruel, they proposed to the legislature to prevent the emancipation of slaves by will or deed; to prevent free negroes from coming into the State; to sell free persons of color, convicted of crime, into slavery out of the State; to repeal the act allowing manumitted negroes to remain in the State without a certificate; to require free negroes to give security for their good behavior; to forbid free negroes from holding real estate; and also to prohibit them from holding meetings after sundown. Mr. Torrey went to the convention in the capacity of a Washington corre-

spondent of several Northern papers. Whether or not the members of the convention were made suspicious by the nefarious purposes of their meeting, it soon transpired that they suspected Mr. Torrey of being an Abolitionist, and a question arose whether he should be allowed to remain, either on the floor or in the galleries. While this was discussed in the convention, a great excitement was pervading Annapolis, and the mob was debating the question whether he should be taken out of town to be tarred and feathered, or hung. The conclusion, however, was to commit him to jail,—a building he pronounced to be “old and ruinous, without bed, or even straw, for a prisoner.” He was allowed, however, such necessities, by furnishing them at private expense. He was gratuitously defended by two able lawyers of the State, Alexander and Palmer. Several of the Massachusetts delegation in Congress and others proffered their kind sympathy and good offices. After several days’ incarceration, the judge decided that there was no cause for detention, though he put him under five hundred dollars’ bonds to keep the peace, his lawyers kindly becoming his sureties. This false imprisonment, these “bonds,” and an expenditure which, as a poor man heavily in debt, he was illy able to bear, were the price he was obliged to pay for being an Abolitionist,—nothing else being laid to his charge.

In this jail he became acquainted with thirteen persons who had been manumitted by their owner, who afterward died insolvent. Being seized by the creditors of the estate, these unoffending men and women were twice tried before the courts, where it was proved that their late owner was not insolvent when he manumitted them. But these decisions having been reversed by the chancellor, they were in jail awaiting a new trial, with small probability of a favorable result. Mr. Torrey, very naturally, became deeply interested in their case, and resolved to help them, if he could. In a letter to the “New York Evangelist,” written a few days after his release, there occurs this sentence :—

“I feel with more force than ever the injunction to ‘remember them that are in bonds as bound with them’; and, after listening to the history of their career, I sat down and



wrote and signed and prayed over a solemn reconsecration of myself to the work of freeing the slaves, until no slaves shall be found in the land. May God help me to be faithful to that pledge in Annapolis jail! In that cell, God helping me, if it stands, I will celebrate the emancipation of the slaves in Maryland before ten years roll away."

There is a touching pathos in this incident in Mr. Torrey's life, which, had real chivalry, and not slavery, been the ruling spirit of the American people, would have rather endeared him to his countrymen than have consigned him to prison. Well born, with superior talents, education, and professional prospects, a charming home, cheered by the presence of a lovely wife and little ones, he sacrificed them, disregarded the popular sentiment of the North, and braved the vengeance of the South, to aid the lowly and downtrodden. As the young reformer sits in the dreary and repulsive prison, surrounded by and listening to the story of the dusky victims of the same cruel power that had laid its ruthless hands on him, little aid from the imagination is required to suggest a picture worthy of the painter's art. It is easy now, as it was then, to criticise and charge him with imprudence, unfounded enthusiasm, and an improper estimate of the relative claims of his family and the slave. Doubtless he was imprudent. That he was too enthusiastic may be admitted, when his purpose is borne in mind, — to "celebrate the emancipation of the slaves in Maryland in ten years." That a cooler and more calculating judgment would have led him to hesitate before subjecting his family to the contingencies resulting from his decision is probable. But these were errors of judgment, "leaning to virtue's side." In the light of eternity, above the interests, the friendships, and conventionalisms of earth, at Heaven's chancery, when this act shall be tested by the standards of the great law of love, another estimate will be made. That solemn promise, then written down, will be deemed a worthier record than that of many a prudent man, who, at a safe distance, left the slave to suffer and perish, while he satisfied his conscience and sense of justice by discountenancing such rashness, such unlawful interference with the claims of the slave-master. The obloquy

often cast, by those who heard the appeals of the fleeing fugitive only to disregard them, upon the few who, like Mr. Torrey, heard to heed, should be relieved by a recognition of the fact that seldom, if ever, were braver, more unselfish, and more chivalric deeds recorded on the page of history than were theirs. When, by reason of the unparalleled difficulties of the situation, all made mistakes, let not theirs alone be held up for public reprobation, which were made in the interests of humanity, and with such sublime disregard of personal sacrifice and danger.

After his release, he went to Albany, and became editor of a paper. While in that city, a slave, who had escaped to Canada, entreated him to go to Virginia and aid in the escape of his wife and little ones. To one with his feelings and convictions, with that vow on record, such an appeal could not come in vain. With the husband and father he started on his ill-fated errand of humanity, which proved not only unsuccessful in the immediate object for which it was undertaken, but fatal to all like efforts on his part in behalf of the slave. He was again arrested, imprisoned, and placed on trial. He secured the services of Reverdy Johnson, but not until, with characteristic honesty, he had confessed that he had once aided one of that gentleman's slaves to escape. He experienced the annoyances and hardships that might be reasonably expected for such an offence in such a community. Through the kind offices of friends, however, they were much lessened and alleviated; and, like the Missouri prisoners, he at once entered upon his missionary efforts, conversing and praying with his fellow-prisoners. But, while laboring for their benefit, he did not forget the great cause of freedom, but wrote to friends, to bodies secular and ecclesiastical, and one long and able letter to the State of Maryland. After being in jail some three months, awaiting his trial, he, in company with others, made an unsuccessful attempt to escape. Being betrayed, they failed of carrying their purpose into effect, and, he writes, "were heavily ironed, and placed in damp, low-arched cells, and treated worse than if we had been murderers. I was loaded with irons weighing, I judge, twenty-five pounds, so

twisted that I could neither stand up, lie down, nor sleep." For seven days and nights he said he slept none, from pain and the utter prostration of the nervous system. His trial came on, he was convicted, and, on the 30th of December, 1843, he was sentenced to six years' imprisonment in the penitentiary.

Strenuous efforts were soon made for his release. Leading men, comprehending the essential wickedness of such a penalty for such an offence, signed memorials to the Governor of Maryland for pardon. Appeals, too, were made in person by several individuals. But the public sentiment of the State and of the South was too imbibittered ; and, though Governor Pratt expressed himself as personally favorable to the request, he did not deem it wise to brave the popular feeling against it. Some of the citizens of Baltimore approached Mr. Torrey with the idea of preparing the way for release by some seeming concession and the confession of doing wrong in violating slave laws. But he nobly adhered to his principles. In a letter dated 21st of December, 1844, he writes : " I cannot afford to concede any truth or principle to get out of prison. I am not rich enough." Indeed, it is doubtful whether any concession would have appeased the bloodthirsty appetite of the demon who now had him within his power. Though his health was failing, and it was evident he must soon succumb to the rigors of a prison life, the governor remained inexorable. He died in prison, on the 9th of May, 1846.

But the most humiliating fact remains to be noted. After his death, his remains were taken to Boston ; and Park Street Church, in which a brother-in-law was a worshipper, was engaged for the funeral services. The permission was, however, revoked, the house of another denomination procured, and Tremont Temple was thronged by the multitude, many of whom were hardly less indignant at the heartless intolerance of Boston than at the barbarism in Maryland. His body was followed by a long procession to Mount Auburn, where a fitting monument was afterward raised to his memory. There lies, in the words of Whittier, " the young, the beautiful, the brave ! He is safe now from the malice of his enemies. Noth-



ing can harm him more. His work for the poor and helpless was well and nobly done. In the wild woods of Canada, around many a happy fireside and holy family altar, his name is on the lips of God's poor. He put his soul in their soul's stead; he gave his life for those who had no claim on his love save that of human brotherhood."

On the evening of the day of his burial there was a large meeting in Faneuil Hall, at which addresses were made by General Fessenden of Maine, Henry B. Stanton, and Dr. Walter Channing, and a poem from James Russell Lowell was read. Referring to the acts for which Mr. Torrey suffered, Mr. Stanton said: "Stripped of all extrinsic ornament, it was this,—he aided oppressed men peaceably to cast away their chains; he gave liberty to men unjustly held in bondage. . . . He has done something for liberty, and his name deserves a place in the calendar of its martyrs. Now that he has been laid quietly and serenely in his grave, we may safely publish those acts to the world which, while he lived, could be safely known only to the few. In a letter addressed to me, while he was in prison awaiting his trial, he said: 'If I am a guilty man, I am a very guilty one; for I have aided nearly four hundred slaves to escape to freedom, the greater part of whom would probably but for my exertions have died in slavery.'" This statement was corroborated by the testimony of Jacob Gibbs, a colored man, who was Mr. Torrey's chief assistant in his efforts. The selection of Mr. Gibbs was not only an example of Mr. Torrey's shrewdness, but one instance, at least, in which the slave-masters overreached themselves, and where laws enacted in behalf of slavery inured to the interests of freedom. For by the slave codes of all the slaveholding States the testimony of colored persons could not be received in court, so that Mr. Gibbs could never testify against his employer.

The case of William L. Chaplin affords another example of what it cost in those days to be honest and humane, to listen to the voice of sympathy, and to carry into action the simple precepts of Christian love. In the year 1836 this gentleman, a young lawyer of Eastern Massachusetts, just entering upon the practice of his profession, with generous ambition and flat-

tering prospects, was invited, on the very threshold of what he had marked out as his life's work, to relinquish all these prospects, that he might espouse the cause of the despised and downtrodden slave. Yielding to what he regarded the voice of duty, he relinquished his profession and its prospects, and for a quarter of a century devoted himself to the cause of the oppressed. Having served the national antislavery society for several months, he accepted the appointment of general agent of the New York State society. Possessing energy and marked executive ability, he devoted himself for four years, with large success, to the work of organizing the new forces of freedom in those early years of the reform. Afterward, for several years, in connection with others, he made a specialty of procuring and publishing antislavery tracts, documents, and volumes. In 1844 he assumed control of the Albany "Patriot," the paper which Mr. Torrey, then in the Maryland penitentiary, had recently started. Becoming the Washington correspondent of his own paper, he often found occasion, during his residence at the capital, to exhibit the philanthropy of his nature by aiding in the purchase of the relatives of those who had previously escaped to the North. During the session of 1850 he was persuaded to assist two young men, slaves of Robert Toombs and Alexander H. Stephens of Georgia, in their endeavor to escape. Being surprised in the attempt, he was arrested and cast into prison, on the charge of abducting slaves. Having lain in prison five months, he was released on the excessive bail of twenty-five thousand dollars.

But his alleged offences, according to the laws of the District of Columbia and of Maryland, would subject him, if convicted, to imprisonment for years, if not for life. The masters of the slaves he had aided were violent and most exacting in their demands, the country was intensely agitated, and the fate of Torrey was fresh in memory. There was little doubt that, if brought to trial, he would be convicted. It was deemed advisable, therefore, to prevent a trial whose probable results would be thus serious, if not practically fatal; and it was determined by his friends that his bail, though so large, should be forfeited and paid. To do this, his own little property was

sacrificed, and heavy contributions were made by his friends and the friends of the cause. In this work Gerrit Smith of New York, with his usual and prompt sympathy, his large-hearted beneficence and princely munificence, became his surety, and contributed a large portion of the amount. And this was the price demanded by the nation, and paid by Mr. Chaplin and his friends, for performing the simple and neighborly act of aiding two young men to escape from the horrible bondage of chattel slavery. But he lived to see the day when those slaves, if living, were not only free, but enfranchised men, and those masters, stripped of all control over them and of their own rights of citizenship, were dependent upon the generosity of the nation for even the privilege of life.

About the year 1840, Captain Jonathan Walker, of Massachusetts, took a contract to build a portion of a projected railroad in Florida. In fulfilling that contract, he employed several negroes. Being a Christian man, he so far carried his religion into his daily life as to treat his workmen as human beings, permitting them to sit at the same table with himself, and to bend the knee around the same family altar. The natural result followed. Kindness begat kindness, and they loved him and trusted in him. Accordingly, in 1844, they persuaded him to enter upon the every-way hazardous venture of aiding them in an attempt, in an open boat, to escape from the land of chains to a neighboring island, belonging to the British crown. After doubling the capes of Florida, he was prostrated by violent sickness. He helpless, and the fugitives ignorant of navigation, they were at the mercy of the winds and waves. Found by the crew of a wrecking-sloop, he was taken into Key West, where he was thrown into prison, and kept in irons until he was despatched to Pensacola. During the passage he was compelled, like a criminal of the vilest sort, to lie on the bottom of the steamer in chains. Arriving in Pensacola, he was cast into a cell in which, two days previously, a man had committed suicide, the floor still saturated with blood. There, chained to the floor, he was allowed neither bed, chair, nor table. He was tried in a United States court, convicted, and sentenced to be branded on the right



hand with the capitals "S. S."; to stand in the pillory one hour; to pay as many fines as there were slaves "stolen"; to suffer as many terms' imprisonment; to pay the costs, and to stand committed until the fines were paid. The execution of these sentences was at once entered upon. A United States marshal branded his hand with the initials of the words "slave-stealer," he was compelled to stand in the pillory, was pelted with rotten eggs by a renegade Northerner, and remanded to prison, where he lay for eleven months, with a heavy chain on his leg, which the jailer would not remove, even for the purpose of changing his clothing. By efforts of friends, in which Loring Moody took a leading part, a sufficient sum was raised to liquidate his fines, and in the summer of 1845 he was set at liberty.

The most impressive lessons of that strange and revolting incident lie in the sharp and broad contrast between the personal bravery and moral grandeur of the man and the craven cowardice and heartless ignominy of the nation; and in the profound mistake they made who supposed that they could thus fix a stigma upon such a person, or tarnish his good name, and that the disgrace was not all their own, and all the honor his. For there were many, even in those days of darkness, who saw, with Whittier, that that brand was "highest honor"; and who welcomed the "brave seaman" back to his New England home as the chivalrous possessor of the old "heroic spirit of an earlier, better day." Like him, too, they said in thought, if not in his own ringing words:—

"Then lift that manly right hand, bold ploughman of the wave,  
Its branded palm shall prophesy 'SALVATION TO THE SLAVE':  
Hold up its fire-wrought language, that whoso reads may feel  
His heart swell strong within him, his sinews change to steel.

"Hold it up before our sunshine, up against our Northern air.  
Ho! men of Massachusetts, for the love of God, look there!  
Take it henceforth for your standard, like the Bruce's heart of yore;  
In the dark strife closing round ye, let that hand be seen before."

But unquestionably the most efficient agent of the Underground Railroad, as he was the most successful in these associated efforts of antislavery men to aid escaping fugitives, was

Thomas Garrett of Delaware. Born in Pennsylvania of Quaker parentage, and richly endowed by nature with qualities calculated to command the respect and confidence of others, he early took up his residence in Delaware. At the age of twenty-four, by the kidnapping of a colored woman of his family, whom he pursued and rescued, he took his first lesson in what proved to be his life's work. Though he lived in a slave State, with the usual characteristics of a slaveholding community, he never concealed his opposition to the system, or his purpose to assist those who sought to escape its thralldom. Indeed, for more than fifty years, he was the good Samaritan of his State; his the house of refuge, always open to the fugitive victims of an oppressed race. So persistent was his philanthropy and so widely known were his sentiments, that he left a record of more than twenty-seven hundred slaves he had assisted to escape. Nor did that record embrace the whole, as he did not begin the count at the outset of his operations. That with such success and such clearly avowed opinions he should have been allowed to remain in a slave State, engaged in a lucrative business, and to fill up his more than fourscore years, are facts clearly opposed to the traditional policy of such communities. This seems all the more strange, as it does not appear that the slaveholders of that State had any scruples about inflicting upon him all that the law would impose. For in 1848, under the lead of James Bayard, afterward Senator of the United States, he was prosecuted four times before Judge Taney, and was convicted on the charge of abducting two slave children, — an alleged offence of which he was guilty, at worst, only by construction, — and mulcted in fines which swept from him all his property, leaving him penniless at the age of sixty, and compelling him to begin life anew.

With such evidence of his fidelity to his convictions, and of the determination of the slaveholders to prevent him from carrying into execution those convictions, it is certainly a mystery, not to be fathomed here, that he was permitted to accomplish so much. If he did not bear with him a charmed life, there certainly seems to be reason for the belief that the

“voice within” he thought he heard was no fancy; and, more, that He who spoke that voice extended his protecting and guiding hand, enabling him to obey it. That, or far more than the ordinary amount of moral courage, must have inspired him when, in reply to the auctioneer who had just struck off the last article of his property, which had been seized and sold to pay the fine imposed, and who had expressed the hope that he would never be guilty of the like offence again, he said: “Friend, I have n’t a dollar in the world; but if thee knows a fugitive who needs a breakfast send him to me.” No more true heroism was exhibited by Luther at Worms, hardly more by the Apostles before the Sanhedrim. It was the utterance of a sublime trust, under circumstances well calculated to test the strength of both courage and principle.

No wonder, then, having outlived the fury of his persecutors, and the system which made them such, that he became an honored member of the community which had hunted him with such ferocity; that the closing years of his ripe old age were peaceful and serene; that, when he died, the whole community seemed moved as the heart of one man; and that his funeral seemed rather an ovation to a conqueror than the sorrowful rites around the lifeless form of a departed friend. It was a fitting close, too, to so triumphant a career, that representatives of the race he had done so much for became his own selected bearers of his body to the grave. His, too, was the rare good fortune, seldom accorded to reformers, of receiving here something like an adequate reward for their sufferings and sacrifices, not only in the accomplishment of what he labored for, but in the popular recognition of the virtues that made him thus heroic and effective.

Such was the Underground Railroad and the system of efforts it represented. They who engaged in those efforts were generally Christian men and women, who feared God and regarded man; and they did it because, in their esteem, such service was but obedience to the royal law, “Thou shalt love thy neighbor as thyself.” They acted, indeed, in full view of the fact that in obeying that law they must often disregard human statutes; but this they were prepared to do, and to



accept the consequences,—the censures, reproaches, and arguments they were sure to encounter; the fines, imprisonments, and even death itself, to which they were constantly exposed. To the argument, generally twofold, that such interference was both unlawful and inexpedient, they returned for reply, that, though unlawful in the courts of earth, they were sure it could not be in the court of Heaven; and that that could not be inexpedient which was so clearly right. They found warrant, too, in the infinite worth of the human soul, the wide difference between a chattel personal, subject to all the accidents of property, the helpless victim of human caprice, passion, and self-interest, and the freeman, at liberty to develop the vast capabilities of his humanity for both time and eternity. The difference between Frederick Douglass, an ignorant and imbruted serf of an ill-tempered and brutal Maryland slaveholder, cowed and hopeless, and Frederick Douglass, with his imperial intellect, cultivated and resplendent, swaying thousands by his eloquence, and reaching forth his strong arm to lift up his race; between the Edmondson sisters, sold on the block for the vilest purposes, and the same, refined and Christian women, gracing the domestic and social circle,—was so great that they could not doubt the expediency of any efforts which might result in such a transformation. And though the thousands thus rescued did not exhibit so wide discrimination, they felt it a glorious privilege, at whatever risk and cost, to give them the opportunity of such, or even far less, improvement. There was, however, no election. To them it was the Master's

“Living presence in the bond and bleeding slave”;

and the piteous entreaty of the latter was but the voice of Him they could not disobey. To them it was both a promise and a warning

“That he who treads profanely on the scrolls of law and creed,  
In the depths of God's great goodness may find mercy in his need;  
But woe to him who crushes the soul with chain and rod,  
And herds with lower natures the awful form of God!”

## CHAPTER VIII.

ESCAPE AND CAPTURE OF THE PEARL. — RIOTOUS PROCEEDINGS. —  
DEBATES IN CONGRESS. — TRIAL OF DRAYTON.

French Revolution of 1848. — General rejoicings. — Resolutions of congratulation introduced into Congress. — Amendments of Ashmun and Schenck. — Speeches. — Popular demonstrations. — Escape of slaves. — Sad fate of the fugitives. — Popular excitement and indignation. — Demonstrations against the "National Era." — Action of Mr. Giddings. — Mr. Palfrey's resolutions. — Remarks of Stephens, Haskell, Toombs, Stanton, Thompson, Bayly, Wick, Giddings, and Root. — Hale's resolution in the Senate. — Remarks by Calhoun. — Foote's threat. — Remarks of Jefferson Davis, Butler, Douglas, Cameron. — Reply of Hale to assailants. — Trial and conviction of Drayton and Sayers. — Imprisonment and pardon.

EIGHTEEN hundred and forty-eight was the "year of revolutions." A tidal wave of thought and feeling passed over Europe, toppling thrones, sweeping away dynasties, and unsettling the political and social institutions of the people. France was especially disturbed. Its king was deposed and driven into exile, and the house of Orleans ceased to be one of the reigning families of the Continent. Though the fulfilment did not come up to the promise, nor answer the sanguine expectations generated by the revolution, yet for the time being a republican government was organized, and France took her place among the democracies of the earth.

This country shared largely in the enthusiasm of the hour. Meetings and resolutions of congratulation proclaimed the general rejoicing; and nowhere were these demonstrations more noisy and extravagant than at the seat of government. Early in April, President Polk sent a message to Congress announcing the event, and affirming that "the world has seldom witnessed a more interesting and sublime spectacle than the peaceful rising of the French people, resolved to secure for themselves enlarged liberty." On the same day a series of

resolutions was introduced into the House expressing satisfaction that "the sentiment of self-government is commending itself to the favorable consideration of the more intelligent" of the nations; announcing "the hope that downtrodden humanity may succeed in breaking down all forms of tyranny and oppression"; tendering their warmest sympathies to the people of France and Italy in their present struggle. Mr. Ashmun of Massachusetts offered, as an amendment, that "we especially see an encouraging earnest of their success in the decree which pledges the government of France to early measures for the immediate emancipation of all slaves in the colonies." Mr. Schenck of Ohio offered, as an amendment to the amendment, the words "recognizing, as we do, that there shall be neither slavery nor involuntary servitude."

On these resolutions and amendments there were several eloquent speeches, too jubilant, indeed, over what had transpired, and too extravagant in the anticipations expressed for the future, revealing, as they did, what is now patent to every beholder, that none at that time fully appreciated the real power of despotism in either hemisphere, the tenacity of its hold, or the terrible struggle that would be required for its overthrow. "It is," said Mr. McClernand of Illinois, "the triumph of liberty over tyranny, of truth over error, of humanity over inhumanity, . . . the enunciation that the time is rapidly approaching when in Europe military force must bow to moral force, when kings must bow to the supreme majesty of the people, when the masses of Europe have only to will it to be free."

"I solemnly believe," said Mr. Hilliard of Alabama, "that the time has come when kingcraft has lost its hold upon the human mind. The world is waking from its deep slumber, and mankind begin to see that the right to govern belongs not to crowned kings, but to the great masses." And yet, great as were his gratulations over the alleged downfall of kingcraft, he was not prepared to recognize the abstract doctrine of human equality, or to welcome the elevation of man as man. He even expressed the apprehension that "the *fraternity* which has been adopted may not be consistent with well-regu-



lated liberty ; it may be the dream of idealists, and not the conception of philosophical statesmen," while he regretfully alluded to Mr. Ashmun's amendment as something foreign, "as a matter which does not belong to it." He also volunteered the somewhat defiant assertion that there was everywhere at the South a purpose to maintain the claim of the masters on their slaves "with a courage and firmness which nothing can intimidate or shake."

With like inconsistency Mr. Haskell of Tennessee, while asserting that the kingdoms of Europe "were upheaving beneath the throb of liberty which was animating the bosoms of the people," and "that it was from this country that they had caught the flame," declared that he was "sick and tired of this continual thrusting in this subject of slavery," which was calculated "to stop the progress of freedom, to injure this government itself, and put out this light toward which with hope were turned the eyes of the downtrodden world."

The few antislavery men in Congress bravely defended their principles ; nor did they fail to point out the glaring inconsistency of singing pæans over the triumph of freedom in Europe, and at the same time avowing a persistent determination to perpetuate a far more despotic and hopeless tyranny here. Mr. Giddings, noting the inconsistency, exclaimed : "Look from that window, and there you will see a slave-pen, whose gloomy walls in mute but eloquent terms proclaim the hypocrisy of the deed !" And all this, he reminded the House, is sustained by laws enacted by Congress. "Will not the French cast back all such pretended sympathy with abhorrence ? Will they not look with disgust on such deception and hypocrisy, when they see a nation of slave-dealers tendering their sympathy to a free people ?"

In the debate on similar resolutions, unanimously adopted by the Senate, Mr. Hale, sharing in the general enthusiasm, though, as the event proved, speaking too despairingly of his own nation and too hopefully of those across the water, gave expression to both his hopes and fears. "I have sometimes thought," he said, "in dwelling upon the history of this Republic, that I had seen indications, fearful and fatal, that we

were departing from the faith of our fathers ; that, instead of being true to the first principles of human liberty which we have proclaimed, we were cutting loose from them ; that the illustration we were about to give of the capability of man for self-government was to be the same as that of other nations which had gone before us ; and that, after our failure, the hopes of freedom would indeed be extinguished forever. But in the dawning of this revolution in France I behold the sun of hope again arise, his beams of golden light streaming along the eastern horizon. I am now inspired by the hope that, even if we fail here, if Liberty should be driven from this her chosen asylum, the divine principle would still live, and would find a sanctuary among the people of another land ; that when our history should have been written, and our tale told, with its sad moral of our faithlessness to liberty, boasting of our love of freedom while we listened unmoved to the clanking of chains and the wail of the bondmen,—even then, in a continent of the Old World, light would be seen arising out of darkness, life out of death, and hope out of despair.”

A municipal celebration of the event in Washington, embracing noisy outdoor demonstrations, a torchlight procession, the illumination of the houses of the President and the heads of the departments, also afforded occasion for extravagant utterances. “Indeed,” said Horace Mann, “stormy eloquence rushed forth from the capital of the nation, like winds from the cave of Æolus, and roared and roared till all but the dead must have heard it.”

Among the rhapsodists of that occasion was Senator Foote from Mississippi. Alluding to the events in Europe, he said, “The glorious work which has been so well begun cannot possibly fail of complete accomplishment. The age of tyrants and slavery is rapidly drawing to a close. The happy period, to be signalized by the universal emancipation of man from the fetters of civil oppression, and the recognition in all countries of the great principles of popular sovereignty, equality, and brotherhood, are at this moment visibly commencing.” Such language from such a man, in such a presence, sufficiently singular in itself, was afterward rendered more noteworthy by



a subsequent fact, — that, when repeated before a Washington court by Mr. Mann, as counsel for Drayton and Sayers, in their trial for the abduction of slaves, the eloquent advocate was checked by the presiding judge because it was “inflammatory,” and because, the latter said, “we have institutions that may be endangered by it.”

While these exciting scenes were in progress, there was approaching quietly and unobserved up the Potomac a plain and ordinary craft, destined soon to direct the popular mind into other channels, test the value of much of this rhetoric, and become, for a time at least, a matter of national interest. That craft was the schooner Pearl, laden with wood, but soon to return with the living freight of seventy-seven fugitive slaves, who had dared the fearful risks they soon encountered for that freedom for themselves they had just heard so highly eulogized for others. The exodus of so large a number soon became known, and an armed steamer was speedily despatched in hot pursuit. The schooner was overtaken at the mouth of the river, and brought back, with its ill-fated company. They were met at the wharf by a mob of several thousands, and were with difficulty escorted to the city prison. They were soon visited by Mr. Giddings and Mr. Hamlin, formerly a member of Congress from Ohio, at much personal hazard, not only to express their sympathy, but to tender, especially to Drayton and Sayers, their professional services, if they were needed.

Little authentic information of the origin of that attempted escape, or of the different individuals which made up that brave but unfortunate company, has ever been made public. As usual, the recaptured were turned over to the slave-dealers, to meet the doom, so much dreaded by the slave, of being sent South, there to be lost in the world of wretchedness and woe which overspread that portion of this boasted land of freedom. There were, however, exceptions, the memory whereof lingers in many minds. There was the Edmondson family, described as “the finest family for miles round,” educated, religious, and refined, and valued in the market at fifteen thousand dollars. Of the six who joined that company, two were the



“Edmondson sisters,” whose sad case interested so many, and who were ransomed by Northern contributions. There was Emily Russell, a beautiful quadroon, gentle and Christian, consigned to the brutal Baltimore slave-dealers, who refused her ransom for a less sum than eighteen hundred dollars, and that for the shamefully significant reason that “she was the most beautiful woman in the country.” And poor Emily was sent with the southward-bound coffe to a worse doom than either slavery or death; though the latter came to her relief, extorting from her mother the startling exclamation: “The Lord be thanked, he has heard my prayers at last.” This strange thanksgiving of an anguished heart reveals in one brief sentence the depth of sorrow which must have filled her soul. Indeed, the whole transaction of which that was a part did but reveal and epitomize the burden of that gigantic wrong under which the nation staggered and groped for three generations, blindly and frantically pressing on to the Rebellion.

Less is known of the rest. Mr. Giddings stated to Congress that nearly fifty of them were sold during that week to the infamous Hope H. Slatter, the slave-dealer of Baltimore, for the Southern market. “The scene at the depot,” he said, “would have disgraced Algiers or Tunis. Wives bidding adieu to their husbands; mothers, in an agony of despair, unable to bid farewell to their daughters; little boys and girls weeping amid the general distress”; and “over all that fiend in human shape, Slatter, presided, assisted by some three or four associates in depravity, each armed with pistol, bowie-knife, and club.” Thus were engulfed in that Southern sea of wretchedness, lost to hope and friends, the hapless company of the ill-fated Pearl. And this terrible outrage, warring alike on both equity and humanity, was perpetrated not only under cover of laws enacted by Congress, but in accordance with its prevailing spirit and purpose, as was immediately shown by its debates and action.

The mob, having exhausted its powers of mischief on the ill-fated ones, proceeded to the office of the “National Era” with the manifest purpose of assault. But wiser counsels pre-

ailed. The strategy of the moderate sympathizers with the mob, the energy and bravery of Captain Goddard of the police, appeals from the City Government and Cabinet, as both bodies took special action in the premises, averted the threatened danger and disgrace. Dr. Bailey, the editor, was waited on with the request that he would remove his paper from the city; a request, however, he manfully declined to heed. He was also waited upon by a crowd, with the avowed purpose of throwing his press into the canal, and of giving him a coat of tar and feathers. But, craving the privilege of addressing the excited multitude, in a speech of ten or fifteen minutes he disarmed them of their fury, dissuaded them from their purpose, and thus rescued his person and his press from the contemplated outrage. In this exigency Dr. Bailey exhibited the same dignity, urbanity, and tact which ever characterized him in his editorial career, in both Cincinnati and Washington, and which enabled him to enunciate many unpalatable truths without that exasperation of feeling which usually accompanied their proclamation.

But the main interest of this occurrence centred in the action of Congress, as from that are derived its most important lessons. It was in itself a sad case, involving much individual and domestic outrage and suffering, that might well appall and stir with indignation the most apathetic. And yet it was but a single instance, a trifling instalment of the vast aggregate of even one day's wretchedness and woe inflicted by American slavery. The mob was violent and lawless, it is true; but it was local and limited. Washington revealed the humiliating fact that its sympathies were with the oppressor, and not with the oppressed; but Washington was a Southern city, and that was a matter of course. Congress, however, was national and representative, and when it spoke it gave voice to the public sentiment of the land. The more pregnant inquiry was, and is: How did Congress regard the conduct of these brave men and women, whose only crime, their enemies being judges, was that they had loved liberty "not wisely, but too well"? What reception were they to meet, did they meet, at the hands of



the nation's legislators, for venturing for freedom so much more than revolutionary France had done, whose conduct it had so recently and so vehemently applauded, and for whose encouragement its unanimous resolutions were even then crossing the ocean? The record will show that, instead of sympathy and admiration, they exhibited toward them a heartless contempt for their suffering, indifference to their fate, and a most vindictive purpose to punish both them and their friends for their heroic deeds. Indeed, there is no doubt that the excitement in the country was intensified by its action, in which, under the form and in the dialect of legislative debate, were exhibited a spirit and purpose as rancorous and vengeful as were those of the lawless mob.

On the 18th of April, 1848, Mr. Giddings asked leave to introduce a preamble and resolution setting forth the fact that more than eighty persons were confined in the jail of the United States without being convicted or charged with crime, and moved that a committee of five be appointed to inquire by what authority the prison is used for the purpose of confining persons escaping from slavery. This proposition created intense excitement, and a brief discussion ensued; but the leave was refused. On the 20th Mr. Palfrey of Massachusetts offered a preamble and resolution, setting forth that a mob had "on each of the two nights last past" committed acts of violence, set at defiance the constituted authorities, and menaced individuals of that body. He moved that a committee of five be appointed to inquire "whether further legislation is necessary or expedient."

The first day's debate was occupied with a sharp and somewhat abstract discussion of questions of order. The point that excited the most remark was the inquiry whether it was a privileged question or a question of privilege, both or neither. It revealed a good deal of subtlety of definition and distinction, largely mingled with Southern taunt and innuendo, manifest apprehension, and clearly attempted intimidation. Mr. Stephens of Georgia asserted that, if rumor, with her ten thousand tongues, were true, he not only believed that members of the House were implicated as "partners to theft and felony," but



he contended that "they should be expelled from the floor." Mr. Haskell of Tennessee said he believed and was ready to charge that members of that body were engaged "in the deliberate attempt to scatter the seeds of insurrection and insubordination, if not rebellion, among slaves in this District." He suggested an amendment, afterward offered by Mr. Venable of North Carolina, authorizing the committee to inquire whether any member or members of the House were thus implicated.

The latter gentleman, though claiming to be a "Presbyterian," made one of the most violent, acrimonious, not to say unchristian, speeches of the debate, in which he characterized Abolitionism as "the spirit of fanaticism, which would never stop short of Heaven or Hell," leading its possessors to "trample on all that is sacred and holy"; and Abolitionists as "vile hypocrites, who went round to factories and Sunday schools, getting women and children to sign petitions on matters with which they had no concern." He denied that slavery was either a moral, social, or political evil; and yet in the same breath he spoke of "the agonizing, heart-rending cry of slaves in the Middle Passage" as coming from the ships of Massachusetts and Rhode Island, and not from those of North Carolina; and he affirmed that they were "the descendants of those who landed at Plymouth, and of Roger Williams, who had sold them their slaves and had pocketed the money." He spoke of Mr. Giddings's visiting the prison and "giving counsel to those felons who were caught *flagrante delicto*." Mr. Toombs of Georgia made a violent speech, in which he contended that the case under consideration involved no question of privilege; indeed, that Congress had nothing to do with it, that the people of the District were the conservators of their own rights, and he trusted "in God that discord would reign supreme until their rights were secured."

Mr. Stanton of Kentucky objected to the resolutions, because they proposed to do something beyond the power of the House; because it could result in no good; because it was a masked battery against slavery; and because "it indicated a struggle calculated to shake the Union to its centre." He opposed the amendment making inquisition concerning the

alleged complicity of members in the abduction, because, he said, if they could be expelled, "we do but weaken ourselves and strengthen them that oppose us." He preferred to trust to the guaranties of the Constitution; and also to the Missouri Compromise, which, though hitherto working against the South, could be appealed to as a barrier against the aggressions of the free States. With little prescience of the immediate future, and of the coming policy of his own section even, he avowed the willingness of the South to abide by the provisions of that arrangement.

Mr. Thompson of Kentucky made a very elaborate speech on the question of privilege, quoting largely precedents from the British Parliament and the American Congress. Deprecating antislavery agitation, he petulantly inquired: "If we are wrong in holding slaves, even if it be a sore spot, does it become our brethren of the North to be constantly rasping it? If we have a plague-spot, let us alone; do not be continually putting upon it a coal of fire." Mr. Bayly of Virginia devoted his speech to the alleged British origin of American antislavery, with the declaration that "the Abolitionists here are but the instruments of another nation." Sketching the history of the abolition of the slave-trade and of slavery itself in the British Empire, and quoting from the minutes of the World's Convention of 1840, he contended that all that England had done had been from mercenary motives, and that she then desired abolition in the United States in order to "cripple our prosperity." Accusing Mr. Giddings of joining in the recent abduction, he insolently remarked that "he and his associates are the authors of all the misery which has been brought on these slaves"; and that they should be compelled to share with the master and mate of the captured vessel their punishment.

As the debate would hardly have been deemed complete without the volunteer indorsement of some "Northern man with Southern principles," Mr. Wick of Indiana made a long, rambling, flippant, and irrelevant speech, characterized by Mr. Giddings as "in bad taste and not suited to the dignity of this body or the occasion," in which he taunted "the Aboli-

tion politicians and agitators" as "reckless and audacious," "defying all laws," and "assuming the guise of martyrs upon the smallest imaginable occasion." He accused Mr. Giddings of having "a forced popularity, hot-housed," in consequence of his previous expulsion from Congress; and of making a pilgrimage to the city jail, "in hopes of being mobbed or threatened, in order to recommend him to the Western Reserve for his martyr-like virtues." He spoke of the two mobs as "gentlemanly" and "orderly," though he admitted that they had thrown a few stones, and "had resolved" if the editor of the "National Era" did not remove his press "before the next night," "they would remove it for him." He was particularly violent in denunciation of New England and of its ideas; of its female teachers emigrating West, "so almighty slick"; of its ultra Calvinistic opinions; and of its disposition to "repent of other men's sins."

Such were the spirit and tenor of that three days' debate. On the side of the oppressor it was imperious, intolerant, and in the highest degree insulting. On the other hand, the friends of freedom, though numerically weak, were strong in forensic ability, in truth, and in that moral courage and personal bravery which enabled them almost single-handed to cope, on the arena of debate, with the hosts arrayed against them. Nor was it small courage that impelled the Giddingses, the Hales, and the Palfreys of those days, in a moral atmosphere like that of Washington, so highly surcharged with proslavery intolerance and vindictive hate, threatening instantaneous explosion, to stand in that haughty and domineering presence and defend the doctrine of human rights, to manifest sympathy with the downtrodden, and to help the unfortunate. To stand there, exposed to such indignities, in danger of even personal violence, required a determination and nerve seldom demanded by the onset of battle itself. No eulogiums or honors can transcend the merits of the faithful few who then bore themselves so gallantly in the presence of the imperious men who ruled the hour.

Among them stood most conspicuous Mr. Giddings, as both the special object of the Slave Power's malignant abuse and the



most uncompromising foe of its dictation. He showed his assailants and maligners that there were blows to receive as well as blows to give; and that personal abuse made slight impression on one clothed in the panoply of a good conscience, loyalty to truth, and a serene trust in God. Though following Mr. Wick, he disclaimed all intention of replying to any of his remarks; but he alluded to the charges which had been so freely made of a wish and purpose to interfere with slavery in the States. He challenged any one "to lay his hand upon a resolution, speech, declaration, or effort" to that effect. Pausing for a reply, and no one rising, he characterized with suitable severity such recklessness of assertion and such wanton abuse. Being asked why he so often introduced the subject of slavery, he replied that his purpose was to absolve himself and the government from all responsibility for its existence and the evils of its procuring. To the charge of having aroused popular indignation by his conduct, and then going to the House for protection, he interposed a dignified and defiant denial. "If I ever had occasion, under Heaven," he said, "to ask protection from any human being, it is *from* this body, not *of* it. . . . Let the House protect its own honor, its own dignity. I will take care of the protection of my own person in my own way." Carrying the war into Africa, he inquired: "Who stimulated that mob? It was members in this hall. While slave-dealers are in your galleries, honorable members stand up here and justify the mob to the fullest extent." Alluding to the proposed resolution of expulsion by Mr. Haskell, he told the House that it was too late to seal the lips of Northern members, and that he should say what he pleased. "Gentlemen making such threats," he said, "seem to forget that they are not on their plantations, exercising their petty tyranny over their slaves." He proclaimed his purpose to utter the truth, even if slaves were listening to him, and it would open their minds to a sense of their rights and of their oppressions, notwithstanding the declaration of the gentleman from Tennessee that he should hang as high as Haman for its utterance.

Alluding to the speech of Mr. Venable, he remarked that

he believed he was a follower of John Wesley, who had declared slavery to be "the sum of all villainies." That member replying that he was a "Presbyterian," he said: "The gentleman can be no Presbyterian; no man can be a Presbyterian who sells God's image, transforms the immortal mind into a state of degradation, and shuts out the Scriptures of eternal life from his brother. It is impossible. I scarce can realize that I live in the nineteenth century or in a Christian land."

Mr. Root of Ohio made a humorous speech, which, though substantially on the side of freedom, was less decided and sternly defiant than those of Giddings and Palfrey. He deprecated mobs, and was sarcastically severe on "a Northern man who defends the rights of the South." His closing remark, however, afforded the true key to his speech: "Well, I have succeeded in what I aimed at. I have, in some way, I scarce know how, got the House into good-humor." But the resolutions were laid upon the table, only receiving some forty votes.

On the 20th of April, the same subject was brought before the Senate by a resolution, offered by Mr. Hale, providing that any property destroyed by riotous assemblages should "be paid for by any town or county in the district where it occurs." As in the House debate, this became the signal for a most vindictive and acrimonious discussion, characterized even by the "Globe" itself as "a debate of a most personal and exciting character."

Mr. Calhoun's voice was heard loudly protesting against the introduction of the resolution, though it was modelled after a similar law in the slaveholding State of Maryland, and though there was not in it even the remotest allusion to slavery. "I am," he said, "amazed that even the Senator from New Hampshire should have so little regard for the Constitution of the country as to introduce such a bill as this, without including in it the severest penalties against the atrocious act which has occasioned this excitement." He alluded to a previous prediction of his that the slavery question was the only question which could divide the Union. Asserting that he had seen for a dozen years the tendency of things, he pointed to these reso-

lutions, designed, he said, "to repress the just indignation of our people from wreaking their vengeance upon the atrocious perpetrators of these crimes," as the evidence of the approaching crisis, which must be met. The only question he was in favor of referring to the Committee on the Judiciary would be that of making penal "these atrocities, these piratical attempts, these wholesale captures, these robberies of seventy odd of our slaves at a single grasp." He deprecated the "apathetic state" of public opinion when there was this great and growing evil. He gave it as his deliberate opinion, that, if they remained thus supine, while such "activity of those influences on the other side is permitted to go on, the result will be that we shall have St. Domingo over again." He characterized the personal-liberty bills of some of the Northern States "a clear infraction of the stipulations of the Constitution." He forgot his usual urbanity and dignity of manner, and, becoming violently personal toward Mr. Hale, said that he "would just as soon argue with a maniac from Bedlam as with the Senator from New Hampshire on this subject."

Perhaps the most violent assailant of the defenders of freedom in that debate was Mr. Foote of Mississippi. He affirmed that any attempt to legislate upon the subject of slavery, directly or indirectly, in Congress or out of it, was "a nefarious attempt to commit grand larceny"; that any man who had given any countenance to this transaction was "capable of committing grand larceny," of "perpetrating highway robbery on any of the roads of the Union"; and, also, that "when the arm of the law is too short to reach such a criminal, he may be justly punished by a sovereignty not known to the law." He denounced the bill as "obviously intended to cover and protect negro-stealing." He charged Mr. Hale, if his object was as it appeared, with being "as guilty as if he had committed highway robbery." Turning to Mr. Hale, he said: "I invite him to visit Mississippi; and will tell him beforehand, in all honesty, that he could not go ten miles into the interior before he would grace one of the tallest trees of the forest, with a rope around his neck, with the approbation of every honest and patriotic citizen; and that, if necessary,



I should myself assist in the operation." Being called to order for his violent language, he admitted that he was out of order. But he added: "Such a scene has never occurred in the Senate,—such a deadly assailment of the rights of the country." A quarter of a century later, Mr. Foote, referring to this language, expressed his regret that he ever used it, and said that no sooner were the words uttered than he would gladly have recalled them.

Jefferson Davis insisted that the time had come when Congress should interpose the legislation necessary for the punishment of men coming into the District "to steal a portion of that property recognized by the Constitution." Unwittingly prophetic, he inquired: "Is this Chamber to be the hot-bed in which plants of sedition are to be nursed? And," he added, "if civil discord is to be thrown from this Chamber upon the land, if fire is to be kindled here with which to burn the temple of our Union, if this is to be made the centre from which civil war is to radiate, here let the conflict begin." Mr. Butler, too, of South Carolina, made a long and earnest speech, in which, with real or simulated alarm, he spoke of the South as "a doomed minority," whose rights were to be sacrificed to the determined and unconstitutional assaults of the dominant North.

Mr. Douglas of Illinois assumed to take a middle ground between these conflicting extremes, though revealing the same want of sympathy with, and indifference to, the claims of humanity and equity which were ever characteristic of his course. He condemned the Abolitionists, and recognized the rightfulness of Southern complaints. With carping and subtle irony, he congratulated Mr. Hale on the improvement of his prospects for the Presidency, and expressed his wonder whether there might not be some "understanding" between him and his Southern assailants. He charged the latter with "a fanaticism as wild and reckless as that of the Senator from New Hampshire, which creates the Abolitionism of the North," declaring that "extremes meet." He complained that this violence compromised the Democrats of the North, who were thus "made instruments, puppets, in this slavery

excitement, which can operate only to your interest and the building up of those who wish to put you down." "We say to you of the South: If slavery be a blessing, it is your blessing; if it be a curse, it is your curse. Enjoy it. On you rests all the responsibility. We are prepared to aid you in the maintenance of all your constitutional rights. But I claim the privilege of pointing out to you how you give strength to the Abolitionists of the North by the imprudent expression of what I grant to be just indignation." Mr. Douglas's remarks were, however, very distasteful to Southern men; Mr. Calhoun declaring that his course was, at least, as offensive as that of the senator from New Hampshire.

Even Mr. Cameron of Pennsylvania, singularly, it would seem, to those who now remember that he was among the first and most earnest advocates of the policy of emancipation during the civil war, lent his influence to the wrong side, declaring the bill itself to be wholly "uncalled for," and maintaining that it would be "unjust" to force upon the citizens of the District "a law for which they had not asked." Of the "Wilmot proviso" he said: "Famous as it was for a time, there are now none in Pennsylvania 'so poor as to do it reverence.' It is now numbered among the things that are passed, and its results will soon be forgotten. Pennsylvania has no sympathy with the ultra Abolitionists. She has within her borders no fanatics as a body.

On the other hand, Mr. Hale stood mainly alone. Mr. Davis of Massachusetts did, indeed, defend the freedom of the press, and deprecate the violence of those who assailed it. He committed himself, however, upon the general subject only so far as to express the belief "that all considerate minds, here and elsewhere, are entirely disposed to adhere to the guaranties and compromises of the Constitution."

Mr. Hale explained his purpose in introducing the measure, and replied to the numerous imputations and assaults which had been uttered during the day. "The notes of congratulation," he said, "which this Senate sent across the Atlantic to the people of France on their deliverance from thralldom have hardly ceased when the supremacy of mob law and the de-

struction of the freedom of the press are threatened in the capital of the Union." In reply to the charge that he was implicated in the abduction, he opposed an emphatic denial, and challenged proof to the contrary "here, now, and forever." "I never have counselled," he said, "advised, or aided in any way, and, with my present impression, I never shall counsel, advise, or aid in any way, any encroachment upon the Constitution in any of its provisions or compromises." Referring to Mr. Foote's invitation to visit Mississippi, and the threatened reception he should meet with there, he, in response, invited the Senator to visit the "dark corners of New Hampshire," with the assurance that "the people in that benighted region will be very happy to listen to his arguments and engage in the intellectual conflict with him in which the truth might be elicited." He noticed, also, the expressed amazement of Mr. Calhoun at his temerity in introducing such a measure. After stating that the bill was copied, almost word for word, from a statute of Maryland, and that it had no allusion to slavery, he said: "It has long been held by you that your peculiar institution is incompatible with the right of speech; but if it is also incompatible with the safeguards of the Constitution being thrown around the property of American citizens, let the country know it. If that is to be the principle of your action, let it be proclaimed throughout the length and breadth of the land that there is an institution so omnipotent, so almighty, that even the sacred rights of life and property must bow down before it. There could not be a better occasion than this to appeal to the country. Let the tocsin sound. Let the word go forth." Alluding to Mr. Calhoun's remark that he would as soon argue with a maniac as with him, he remarked that it was "a novel mode of terminating a controversy, by charitably throwing the mantle of maniacal irresponsibility over one's antagonist." The debate was arrested by an adjournment, and the Senate refused to take up the subject afterward.

The men who had so bravely and chivalrously imperilled their interests and safety to give these unfortunate fugitives a chance for escape were made to feel the full force of the vin-



dictive and maddened Slave Power. Not only was the proposition seriously made to hang them to the yard-arm before they reached the wharf; not only were they followed from the wharf to the jail by a howling mob, with the cries, heard above the uproar of the surging multitude: "Lynch them!" "Hang them!" not only had every indignity been heaped upon their good name by the leading men of the city and of Congress; not only had they lost their property, and been torn from their families and homes and confined in a loathsome jail, — but they were yet to receive, in another shape and under the forms of law, the infliction of its cooler and more implacable revenge.

During the closing days of the following July, Captain Drayton was arraigned before the Criminal Court of the city of Washington, Judge Crawford presiding. The spirit and purpose which animated and characterized that trial may be gathered from the fact that forty-one bills of indictment were drawn against Captain Drayton, on which his counsel stated that convictions might be secured requiring an imprisonment of more than eight hundred years, while behind them stood seventy-five other indictments for the offence of transporting slaves from their owners. The aggregate bail of the three persons prosecuted amounted to two hundred and twenty-eight thousand dollars. The case was managed with consummate ability by Mr. Mann and his colleague, James M. Carlisle; the former making his points with logical clearness and force, and clothing them with that cogent and affluent eloquence of which he was an acknowledged master. But conviction was from the first a foregone conclusion; and, though many of the counts and indictments were abandoned, he was convicted on a sufficient number to procure a sentence equivalent to imprisonment for life. The mate, Mr. Sayers, was also tried and convicted.

Exceptions were taken to the rulings of the judge, and a new trial was ordered, which took place in the following May. This trial, too, resulted in conviction, involving both fines and imprisonment, and the prisoners were remanded to the District jail for confinement. They remained there, notwithstanding the injustice of their sentence and the efforts of

friends in their behalf, until the year 1852, when Mr. Sumner, who had recently been elected to the Senate of the United States, interested himself for their release. He prepared a very elaborate and able paper for the purpose, which was submitted to the Attorney-General. In consequence of these efforts, President Fillmore granted them an unconditional pardon, and they were released after an imprisonment of some four years. It having transpired that the Governor of Virginia was purposing to arrest them, if pardoned, it was arranged that, immediately on their release, a carriage should be in readiness to take them by night to Baltimore. From that city one was despatched at once to Harrisburg, and the other to Philadelphia.

## CHAPTER IX.

### ANTISLAVERY ORGANIZATIONS.

Differences of opinion among antislavery men. — Serious difficulties of the situation. — Differences on the question of political action. — Garrisonians. — Their distinctive doctrines. — Modes of operation. — Leading men and women. — Liberty party. — Differences therein. — Conventions at Port Byron and Macedon. — Gerrit Smith nominated. — National convention of the Liberty party. — John P. Hale nominated. — Liberty League. — Its advanced opinions. — Nomination of Gerrit Smith by convention at Auburn. — Speeches at convention.

NOTHING affords more striking evidence of the gravity and difficulties of the antislavery struggle than the conflicting opinions and plans of the honest and earnest men engaged in it. It was fashionable to stigmatize them as ultra, pragmatic, and angular, and to hold up their differences and divisions as a foil and shield against their arguments and appeals. Thousands consoled and defended themselves in their inaction because antislavery men were not agreed among themselves. But the facts were that some of the ablest, most honest, practical, and sagacious men of the nation were engaged in that struggle; and their differences of views and plans arose not so much from their infirmities as from the greatness and gravity of the problem they attempted to solve, and the blind and inextricable labyrinth of difficulties into which the compromises of the Constitution, the concessions of the fathers, the persistent policy of the government, and the constant aggressions of the Slave Power, had involved the nation. Slavery had inwrought itself into every department of society, political and commercial, social and religious. It had polluted everything it touched, and poisoned the very fountains of the nation's life. Men could turn in no direction without encountering its pestiferous presence, its malignant and all-grasping power. Even in the broad light of this day of free-



dom, now that the whole system has been swept away, with all the revelations which have been made, he must be a bold man who presumes to say exactly what they should and should not have done. How much less could they, in the dark night of slavery, in deadly conflict with the Power itself, never more arrogant and dominating, decide with perfect accuracy what to say or what to do. To err under such circumstances was not only human, but evidently no matter of surprise.

The most radical difference was that which separated those who rejected from those who adopted the principle of political action. The former were generally styled the "old organization," or Garrisonian Abolitionists; the latter embraced the Liberty party and those antislavery men who still adhered to the Whig and Democratic parties.

Having adopted the doctrine of "no union with slaveholders" as the fundamental idea, the corner-stone of their policy and plans, the Garrisonians of that period directed their teachings, their arguments and appeals, to the establishment of the necessity and the inculcation of the duty of disunion. Believing, in the language of Edmund Quincy, the Union to be a "confederacy of crime," that "the experiment of a great nation with popular institutions had signally failed," that the Republic was "not a model, but a warning to the nations," that "the hopes of the yearning ages had been mournfully defeated" through "the disturbing element of slavery"; believing, too, that such had become the ascendancy of the system that it compelled "the entire people to be slaveholders or slaves"; believing also that "the only exodus for the slave from his bondage, the only redemption of ourselves from our guilty participation in it, lies over the ruin of the American state and the American church," — they proclaimed it to be their "unalterable purpose and determination to live and labor for a dissolution of the present Union by all lawful and just though bloodless and pacific means, and for the formation of a new republic, that shall be such not in name only, but in full, living reality and truth."

But to destroy such a system as slavery, thus completely

interwoven with everything in church and state, permeating the mass and diffusing itself through the very atmosphere of public and private life, involved the breaking up of institutions and associations hallowed by time and the most tender memories. In attaining the great good sought there could not but be much incidental evil; in rooting up the tares there was manifest danger of injury to the wheat. But these consequences and conditions this class of reformers promptly accepted, and, with an unsparing iconoclasm, they dashed to the ground whatever idols of popular faith interfered with the people's acceptance of the doctrines they deemed of paramount importance. Abjuring party organizations, coming out from the churches, and condemning with unsparing censure whatever in their esteem gave countenance and encouragement to slavery, they necessarily assumed an attitude of antagonism to those they so severely condemned, and uttered many sentiments that grated harshly on the popular ear. But, while thus obnoxious to the charge of indifference to the passions, prejudices, and even the principles, of the dominant classes of society, and committed, as many thought, to theories more abstract than practical, it was always seen that to the sigh of the individual bondman their ear was ever attent, and that for the help of the poor and trembling fugitive their hand was ever open and generous.

From the annexation of Texas, in 1845, to the enactment of the Fugitive Slave Law, in 1850, they pursued with a good deal of vigor this line of policy. Discarding religious and political organizations, the ballot, and all the enginery of its legitimate and effective use, they denied themselves many of the ordinary methods of reaching the popular mind, and relied mainly on the use of the press, the popular convention, and other meetings of the people. They not only held such convocations by special appointment at various points at the North, but they always observed the anniversaries of national independence and of West India emancipation as days specially appropriate to their mission to the American people. To the annual meetings of the American, New England, and the several State societies were added fairs, held for

the twofold purpose of putting funds into their exchequer and of bringing their ideas before the people. In carrying forward this work, Garrison, Phillips, Quincy, Douglass, Wright, Foster, Burleigh, and Pillsbury were among the recognized leaders and advocates. Theodore Parker and Ralph Waldo Emerson, though not distinctively belonging to their organization, largely sympathized with their efforts, and were occasionally welcomed to their platform. In the same work they were assisted by the pens and voices of several women. Among them were Mrs. Child, Mrs. Chapman, Lucretia Mott, Mrs. Abby Kelly Foster, and Lucy Stone. During a portion of these years, too, Garrison, Douglass, Henry C. Wright, and James Buffum were in Europe, and presented the cause to the British public.

But the men who agreed in the principle of political action were not always in full accord as to the best methods of applying that principle. Exercising for themselves that freedom of thought and speech which they claimed for others, as they considered the great subject, with its really inextricable and insurmountable difficulties, involving principles at once recondite and infinitely delicate and perplexing in their application and adjustment to the fearful problems before them, they often failed to see eye to eye. They differed not only in their estimate of fundamental principles, but frequently in their proposed modes of action. Some had accepted the doctrine of the unconstitutionality of slavery, and several able arguments were prepared in defence of that position. Others held that it was a local system, that its extension was to be resisted, its power overcome, and itself extirpated, under the Constitution and through constitutional modes of action. These diversities of opinion elicited no little feeling, and led to divisions and sometimes to mutual denunciations.

In June, 1845, a State convention was held at Port Byron, in New York. An address was presented, not only setting forth the unconstitutionality of slavery, but, perhaps in deference to the very general criticism that Abolitionists were men of "one idea," stating and elaborating somewhat fully the different objects government should have in



view, and some of the more prominent measures that should receive its attention and support. This address, though read and printed, was not adopted. Many, however, of the Liberty party accepted its sentiments, and held a convention in June, 1847, at Macedon, in the same State. The convention nominated Gerrit Smith for President and Elihu Burritt for the Vice-Presidency, separated from the party, took the name of Liberty League, and issued an address to the people.

In October of the same year a national convention of the Liberty party was held at Buffalo. Several members of the Liberty League attended, and sought the indorsement of the convention for the candidates they had just put in nomination, but without success; John P. Hale of New Hampshire and Leicester King of Ohio receiving the nomination. This action was not taken without opposition, though the dissatisfaction was mostly confined to the State of New York. It was regarded as an abandonment of principle to go outside for a candidate, and to select one who had never identified himself or acted with the party; and Chase, Matthews, Lewis, Leavitt, and Dr. Bailey were severely censured for their course.

But this controversy between the two wings of the Liberty party, which resulted in the formation of the Liberty League, militated in no degree against either the earnestness or the honesty of the men who took opposite sides on the questions at issue. It only indicated the different methods suggested to different minds in their endeavor to solve a most difficult, not to say an insoluble problem. Neither hit upon the plan that actually secured the desired result, or that even gave promise of at least immediate success. Nothing now appears why slavery would not to-day be lording it over the land with increasing vigor, had not the South in its madness appealed to arms, and cut with its own sword the Gordian knot which others were vainly attempting to untie.

As distinguished from the other wing, it may be said that the members of the Liberty League were less practical, more disposed to adhere to theories, and more fearful of sacrificing principle to policy. Like the members of the "old organization" and the French *doctrinaires*, they seemed to have more

confidence in the power of abstract right, and less in the doctrine of expediency. They calculated largely on the power of truth, and on the belief that God is the "majority." Their watchword was: "Duty is ours, results are God's."

On the other side, the men who advised and aided in putting Mr. Hale in nomination had less faith in the policy, safety, or duty of simply adhering to the proclamation of abstract ideas, however correct or forcibly expressed. They saw that, in the presence and in spite of all the arguments, appeals, and fierce invectives of the able and eloquent writers and orators of either the "old organization" or of the Liberty League, the Slave Power was marching on, with relentless purpose and increasing audacity, from victory to victory, until it appeared that, unless it could be checked, Mr. Calhoun's theory would be reduced to practice and the Constitution would carry slavery wherever it went, and slavery would be no longer sectional, but national. Texas had been annexed, vast territory had been acquired, and the question was now upon them: "Shall this territory be free or slave?" And their past bitter experience had shown that something more than appeals to reason, conscience, and the plighted faith of the fathers was necessary to prevent the final consummation for which all these previous steps had been taken. In settling that question they saw that votes were more potent than words; that an organized and growing party would prove more efficient than any amount of protest and earnest entreaty. To strengthen this purpose, such men as Chase, Leavitt, Whittier, William Jackson, and Dr. Bailey saw that there were hundreds of thousands, in both the Whig and Democratic parties, who were deeply dissatisfied with the state of affairs and the immediate prospect before them, and were anxiously looking for some practical scheme, some common ground on which they could make a stand in resistance to these aggressions. They hoped much, too, from such men as Dix, Hale, Niles, King, and Wilmot among the Democrats; Giddings, Palfrey, Seward, Mann, and Root among the Whigs; much from the Barnburners in New York and the "conscience" Whigs in Massachusetts. They judged, and the event has proved that they judged wisely, that by



narrowing the platform, even if it did not contain all that the most advanced Abolitionists desired, if such men and their followers could be drawn from the Whig and Democratic parties, and be thus arrayed in a compact and vigorous organization against the Slave Power, there would be great gain. Though they could not exactly forecast the end of such a movement, they felt that it was a step in the right direction, and that, when taken, it would disclose still further the path of duty and place them in a position to go forward therein.

But the Liberty League and dissatisfied members of the Liberty party were not idle. Meeting in convention at Auburn in January, 1848, they called a national convention to meet in Buffalo in June. John Curtis of Ohio presided, and Gerrit Smith was chairman of the Committee on the Address and Resolutions. The committee reported two addresses,—one to the colored people of the free States and one to the people of the United States. In them they censured severely the action of the Liberty party for what they denounced as recreancy to the principles of the party. The colored people were told that it was the “perfection of treachery to the slave” to vote for a slaveholder, or for one who thinks that a slaveholder is fit for civil office; that it was the religious indorsement of slavery that kept it in countenance; and that it was “better, infinitely better for your poor, lashed, bleeding, and chained brothers and sisters that you should never see the inside of a church nor the inside of a Bible, than that you should by your proslavery connections sanctify their enslavement.”

Speeches of great earnestness and directness were made by Beriah Green, Frederick Douglass, Gerrit Smith, Henry Highland Garnett, Elizur Wright, and George Bradburn. Mr. Green maintained that when the nation indorses slavery “the most marked inconsistencies creep out of the same lips, the flattest contradictions fall from the same tongues.” Civil governments, he said, should be the reflection from the throne of God. To assert the claims of justice, to define and defend rights, to cherish and express a world-embracing philanthropy, to promote the general welfare, to afford counsel



and protection, are "the appropriate objects of civil government." "God gave civil government," remarked Mr. Smith, "I had wellnigh said, to be on terms of companionship with the poor. Certain it is that he gave it chiefly for the purpose of protecting the rights of those who are too poor, ignorant, and weak to protect themselves." With their definition of civil government and the purposes for which it was instituted, and with their knowledge of what slavery was, such indorsement could not but seem not only unconstitutional, but inconsistent with and subversive of government itself. "Antislavery men," said Mr. Smith, "should identify themselves with the slave, and be willing to be hated and despised. They should not be ashamed to do what slaveholders call slave-stealing. It was not "vulgar," he contended, "low, or mean," to help slaves to escape from the clutches of their oppressor. "As I live and as God lives," he continued, "there is not on earth a more honorable employment. There is not in all the world a more honorable tombstone than that on which the slaveholder would inscribe, 'Here lies a slave-stealer.'"

The convention, much against his own avowed wishes, nominated Mr. Smith for the Presidency. Mr. Burritt having declined the nomination of the Liberty League for the Vice-Presidency, C. C. Foot of Michigan was selected as the candidate.

## CHAPTER X.

### SLAVERY AGGRESSIONS. — “ CONSCIENCE ” WHIGS. — “ BARN-BURNERS.”

State influence. — Georgia resolutions. — Mr. Wilson's resolutions. — Mr. Wheatland's report. — Mr. Wilson's minority report. — Mr. Wilson's resolutions agreed to. — Defeated in the Senate. — Divisions among the Whigs. — State convention. — Speeches of Mr. Sumner and Mr. Winthrop. — Resolutions of Mr. Stephenson. — Phillips's resolutions. — Remarks of Adams, Allen, and Child. — Mr. Webster's speech. — Sumner's letter to Winthrop. — Keyes's resolutions. — State convention of 1848. — Palfrey's resolutions. — Opposition of Mr. Winthrop. — Webster's speech. — “ Conscience ” and “ Cotton ” Whigs. — Position of New York. — Treatment of Mr. Van Buren. — Syracuse convention. — Field's resolution. — Its rejection. — Herkimer convention. — Address reported by John Van Buren. — Resolutions. — Democracy of New York pledged to freedom.

AMONG the most potent instrumentalities of slaveholding ascendancy was the doctrine of State rights as defined and defended by Southern statesmen. By it the slavery propagandists gained concessions, silenced objections, and conciliated support they could not have hoped for without such an auxiliary. And yet this influence was not always adverse, and the advocates and defenders of human rights sometimes gained advantages from their relations to the State they could not have secured single-handed and alone. By a wise use of the power which State organization gave the few friends of freedom in New Hampshire, John P. Hale was placed on the floor of the United States Senate, there to enunciate principles and to vindicate a policy far in advance of the average sentiment and purpose of the people he represented. Antislavery resolutions and legislation had been adopted by several Northern States more positive and pronounced than were demanded, or hardly justified, by the current opinions and convictions of those Commonwealths. In no State did this policy of using such influence become more effective than in Massachusetts.

When the legislature of Massachusetts assembled in January, 1846, Governor Briggs laid before it a series of resolutions which had been adopted by the legislature of Georgia concerning slavery and the legislative action of Massachusetts for the protection of its colored citizens in the slave-holding States. On motion of Mr. Wilson of Natick they were referred to a special committee, consisting of two Senators and five Representatives. Soon thereafter Mr. Wilson introduced an order instructing that committee to report a preamble setting forth the crime of slavery and the aggressions of the Slave Power, and a resolution declaring the opposition of Massachusetts to the longer continuance and further extension of slavery in America, and her unalterable determination to use every constitutional power for its entire extinction.

This motion encountered stern opposition, in which both Democrats and Whigs united. It was denounced as a measure to please "a little knot of political Abolitionists." Mr. Wilson urged its adoption in a speech of some length, setting forth the necessities of the case and the importance of taking an advanced position. "The issue," he said, "is now clearly made up. Slavery assumes to direct and control the nation. The friends of freedom must meet the issue. Freedom and slavery are now arrayed against each other. We must destroy slavery, or slavery will destroy liberty. We must restore our government to its original and pristine purity. The contest is a glorious one. Let us be cheered by the fact that the bold and daring efforts of the Slave Power to arrest the progress of free principles has awakened and aroused the nation. That power has won a brilliant victory in the acquisition of Texas; yet it is only one in its long series of victories over the Constitution and liberties of the country. Other fields are yet to be fought; and if we are true to the country, to freedom, and to humanity, the future has yet a Waterloo in store for the supporters of this unholy system." He called upon the members of his party to accept these vital and living issues, and abide the result, whether it were victory



or defeat. If we gain the one, he said, let us enjoy and improve it; if the result be adverse, we shall have the glory at least of having "deserved success. Whatever others may do, I am willing to act with any man or set of men, Whig, Democrat, Abolitionist, Christian, or Infidel, who will go for the cause of emancipation."

After a speech expressive of his abhorrence of slavery and his sympathy with the objects of the resolution, Peleg W. Chandler, a leading member of the House, from Boston, moved to strike out the instructing clause of the order. Mr. Wilson accepted this amendment, and the order in that form was referred to the committee. But the committee was reluctant. A reactionary spirit pervaded the legislature, which seemed adverse to further efforts. After a delay of several weeks Mr. Wheatland reported that "the annexation of Texas to the United States, in a moral point of view, was a great evil, and one which Massachusetts resisted as long as resistance would do any good. The evil has come, and a majority of your committee are of the opinion that further action in the matter is not called for." This terse and laconic report was sanctioned by six of its seven members.

Mr. Wilson made a minority report, setting forth that, by the action of the two houses of Congress, Texas had been blended and indissolubly connected with the Republic; that every act in its history, from its first inception to its final consummation, had been a deep disgrace; that the fermenting of discord, the levying of troops, the speculation in lands, the dark intrigues which had been plotted, presented a mass of rottenness and corruption; and that the object of annexation was confessed to be the extension and perpetuation of human bondage. Inspired by that purpose, the South, he said, has "won one of the most brilliant victories in her long series of victories over the Constitution of the country and the liberties of the people. Our Union is not the Union our fathers made. That Union has been trampled beneath the iron heel of the triumphant Slave Power. We stand on the threshold of a new Union, which

the annexation of a foreign nation has created. A new page is opened in the history of the Republic. Already the victorious hand of the Slave Power points the way to further acquisitions. In this crisis of the country, has Massachusetts nothing to say, nothing to propose, nothing to do? Shall we, indeed, now give up the struggle, confess ourselves vanquished, think that all is lost? Shall Massachusetts, now that annexation is accomplished, erase all her solemn protests, shut up as a great mistake the history of a fifty years' struggle against the influences of slavery, and by quiet submission and a change of policy obtain the forgiveness of the Slave Power? Or shall she yet trust in justice and truth, and, however the lights of other States may waver, stand herself unfaltering on the lofty eminence she has never yet deserted or betrayed, and use free speech, the free press, the free ballot, the freedom of remonstrance, and her other rights and powers, narrow though they be, in such a manner as finally to blot out the greatest disgrace and the most fruitful source of danger which was ever entailed on any nation?"

The report of the committee was accepted by the Senate without a division, and sent, together with Mr. Wilson's minority report, to the House. It was at first accepted; but Mr. Wilson, who was absent when the vote was taken, moved a reconsideration. After an animated discussion of some length, the motion to reconsider was agreed to by a majority of twenty-six. Mr. Wilson then moved as a substitute his original resolution, and it was carried by a vote of one hundred and forty-one to fifty-two. The amendment being returned to the Senate, Mr. Willard of Worcester County moved its indefinite postponement. An excited and sharp debate sprung up. Mr. Cary of Suffolk County stoutly opposed the resolution, declaring that Massachusetts "must submit," and cease passing antislavery resolutions.

To this remark E. Rockwood Hoar of Middlesex replied: "It is as much the duty of Massachusetts to pass resolutions in favor of the rights of man as in the interests of cotton,"—a remark from which arose the popular designa-

tion of "cotton" Whigs. In the course of the debate Mr. Wheatland, referring to the resolutions of former years, said: "I have voted for some of those resolves, but I have never approved of them." Mr. Shepherd of Bristol County, a representative of the cotton-manufacturing interest, then especially sensitive on all questions which had any bearing upon the tariff, opposed both that and kindred resolutions. Mr. Hopkinson of Middlesex County, Mr. Watts of Suffolk County, and Mr. Borden of Bristol County, advocated the resolution in able, earnest, and manly speeches. But timid counsels prevailed, and the resolution was indefinitely postponed. Thus the reactionary section of the Whig party compelled the legislature to adjourn without putting on record any condemnation of the fresh aggressions of the Slave Power, then becoming so frequent and so flagrant.

This action of the legislature could not but tend further to alienate and divide the party. Mr. Winthrop's vote in favor of the declaration of war against Mexico, a few days afterward, tended in the same direction. Nor did the proclamation of Governor Briggs, inviting the citizen soldiers to enroll themselves, and to be in readiness to respond to the calls of the government, heal or prevent these divisions.

But these growing antagonisms revealed themselves more clearly in the Whig State convention, which was held in September in Faneuil Hall. There was no division of opinion on candidates, though there was a sharp contest on the platform. Before it was reported, Mr. Sumner, in response to loud calls, addressed the convention. He spoke with great power and eloquence against slavery in all its forms, against the aggressions of the Slave Power, and in denunciation of the war. With graceful force and beauty he thus appealed to Mr. Webster:—

"There is a Senator of Massachusetts whom we had hoped to welcome here to-day, whose position is one of commanding influence. Let me address him with the respectful frankness of a constituent and a friend: You have, sir, already acquired by your various labors an honorable place in the history of our country. By the vigor, argumentation, and



eloquence with which you have upheld the Union and that interpretation of the Constitution which makes us a nation you have justly earned the title of *Defender of the Constitution*. By the successful and masterly negotiation of the Treaty of Washington, and by your efforts to compose the strife of the Oregon boundary, you have earned another title, — *Defender of Peace*. There are yet other duties which claim your care, whose performance will be the crown of a life of high public service. Let me ask you, when you next take a seat in the Senate, not to forget them. Dedicate, sir, the golden years of experience which are yet in store for you to removing from your country its greatest evil. In this cause you shall find inspirations to eloquence higher than any you have yet confessed."

At the close of Mr. Sumner's speech there were loud calls from the friends of Mr. Winthrop and the approvers of his course. In an able, adroit, and eloquent speech, beside defining his own course, he took special pains to express his uncompromising opposition to more slave States or more slave territory.

There were two reports from the Committee on Resolutions — one presented by J. Thomas Stevenson, and the other moved by Stephen C. Phillips as a substitute. The series proposed by Mr. Phillips closed by the following unequivocal announcement: that the Whigs of Massachusetts make the declaration that they must be hereafter regarded as the decided and uncompromising opponents of slavery; that they are opposed to "its extension," and "will maintain their opposition at any political hazard"; that they "are opposed to its continuance where it already exists"; and that they will "continue in all constitutional measures that can promote its abolition."

The substitute was opposed by Linus Child, who, though he had previously acted with the antislavery party, and had electrified the anti-Texas meeting in Tremont Temple by the cry of "repeal," now acted with the conservatives. On the other hand, the policy of not only maintaining past declarations, but of taking an advanced position, was forcibly advocated by Charles

Francis Adams and Charles Allen. Referring to the recent triumphs of the Slave Power, Mr. Allen said the question is "not whether slavery shall be endured, but whether liberty shall be endured, upon the American Continent," and he said he would "resist to the death any further encroachments on the area of freedom." But Mr. Phillips's amendment was rejected by a majority of forty-seven.

The antislavery men, though in the minority, were strong in character, capacity, confidence, as well as in the justice of their cause. Indeed, so formidable had their demonstration in the convention become, that the conservative leaders trembled for its effect on the integrity of the party. Hurried conferences were held, and it was decided to invoke the presence and potential influence of Daniel Webster, — if not to overawe, at least to conciliate and persuade. Obeying the summons, the great Senator soon made his appearance, amid the most uproarious applause.

Listening to a speech from the stern and inflexible Charles Allen, and comprehending the situation, he saw that harmony was the great necessity. In a speech of scarcely five minutes' length, couched in felicitous and fitly chosen language, and delivered with a mien and manner imposing, impressive, and so peculiarly his own, he uttered the words so often quoted and so well remembered. He said that whenever and wherever the Whigs of Massachusetts assembled there was "an odor of liberty" he loved to inhale, an avowed attachment to our country which warmed a heart then old, but which still beat in accordance with human freedom, whether at home or abroad. "Others," he said, "rely on other foundations and other hopes for the welfare of the country; but, for my part, in the dark and troubled night that is upon us I see no star above the horizon promising light to guide us but the intelligent, patriotic, united Whig party of the United States."

But that little speech was little only in length. Its very brevity carried with it its most profound and pregnant meaning. Its silence was more expressive than its utterance; for it revealed, more clearly than words, the policy of the hour, —

the statesmanship which had ruled the country for half a century, and of which its author was an acknowledged chief, and one of its last exponents, — the statesmanship of submission and surrender. Standing in Faneuil Hall, with its thronging memories of early patriotism and heroic sacrifices for liberty, in the presence not only of an excited auditory of the old Commonwealth, deeply moved by the perils of the crisis, but of the flagrant outrage of the Slave Power, dismembering a neighboring republic, involving the nation in a bloody war, professedly to extend slavery, what counsel did he give? Out of the depths of his capacious mind and large experience he could then, as before and afterward, draw no other remedy for the evils of the state than the same that had been urged from the founding of the Republic, and always in the name and behalf of oppression and wrong. Union was his only watchword for that dark hour of strife, his only talisman to heal the diseases of his country, his only charm to conjure with.

Mr. Webster's counsels and influence prevailed, and the party went into the conflict under the guidance and inspiration of its conservative leaders. Mr. Winthrop was nominated for Congress for the Boston district. The antislavery men, however, would not give him their support, and Mr. Sumner published a sharp letter severely censuring his vote on the Mexican war. He condemned that vote as a violation of obligation, though it had been given with the majority, as voting with the majority cannot of itself make it right. "In all ages supple and insane majorities," he said, "have been found to sanction injustice. . . . Majorities smiled at the persecution of Galileo, stood by the stake of Servetus, administered the hemlock to Socrates, and called for the crucifixion of our Lord. Aloft on the throne of God, and not below in the footprints of a trampling multitude of men, are to be found the sacred rules of right, which no majorities can displace or overturn." "And the question returns," he adds, "Was it right to vote for an unjust and cowardly war, with falsehood in the cause of slavery?" He reminded him, too, that his famous sentiment, "Our country, however bounded,"



offered in Faneuil Hall, extended, as it were, in advance, the hand of fellowship to Texas, and sharply characterized the pregnant sentence by telling him that he had connected his name "with an epigram of dishonest patriotism." The nomination was offered to Mr. Sumner; but, he declining, it was given to Dr. Samuel G. Howe. He accepted it, though he knew that the votes would be few and the reproaches would be many. But the same heroism which a quarter of a century before carried him to Greece inspired him, in a cause he deemed equally sacred, to accept the leadership of the forlorn hope which now summoned the philanthropic and the patriotic to the rescue. Mr. Winthrop, however, was triumphantly elected by an increased majority.

Defeated in the convention and before the people, the anti-slavery Whigs still continued the fight; in the face of great odds, however, as the commercial, the manufacturing, and the monetary interests, the party press and party organization, were unmistakably against them. The Boston "Daily Whig," edited by Mr. Adams, and the Dedham "Gazette," edited by Mr. Keyes, — journals of limited circulation, but conducted with great ability, — were their main and almost only channels of communication with the public. The conflict proceeded, and the divergence between the two wings of the Whig party became wider and wider.

The legislature of 1848, like that of 1847, was pervaded by this same reactionary spirit, though the friends of freedom were still active and persistent. A special committee on slavery and the Mexican war was appointed, of which Mr. Hayden, former editor of the Boston "Atlas," was chairman. A series of resolutions, general in their scope and tenor, were reported, and adopted by nearly a unanimous vote. It was thought, however, by the more radical members, that the condition of things growing out of the war demanded that the utterances of the legislature should be more definite and emphatic. Consequently Mr. Keyes, failing to secure such an utterance from the committee, made a minority report, which he asked the Legislature to adopt as the sense of the House. The report and his speech accompanying it were

marked with great vigor and power of argument and language. The House received the report, and ordered it to be printed. Mr. Hayden, regarding this action as a reflection and rebuke upon his committee, resigned his place. Mr. Giles of Boston made another report from the same committee. The House, however, adopted, by a decisive majority, the report and resolutions of Mr. Keyes, slightly amended by the Senate. They were substantially the same in sentiment and spirit as those presented by Mr. Phillips to the Faneuil Hall convention, and which had been rejected by that body. It was therefore felt by the antislavery Whigs, that, though they were in a minority, they had achieved a substantial victory under the bold and skilful leading of Mr. Keyes.

But though resolutions could be forced through the legislature and conventions of the party, it was very evident that there was little harmony of feeling and purpose between the two sections. While the "Cotton" Whigs, who were determined to adhere to the national organization, and to sacrifice, if need be, any claim of freedom for that purpose, regarded the action of the "Conscience" Whigs, as the antislavery men were called, factious and disorganizing, the latter began more clearly to comprehend the drift of things, and the position to which the party was tending, and to realize the hollowness of many of the professions that had been made. They saw that many of the resolutions which were often crowded through the one or the other of these bodies were rather strategical than hearty or honest; more for show than use; not fitted, and never intended, to bind the party or to resist the strain of political necessity.

The Whig State convention was held at Springfield in September, 1847. George Ashmun of that city presided, and Joseph Bell of Boston was chairman of the Committee on Resolutions. The leaders of both sections were there in force, and a severe struggle ensued. Mr. Palfrey moved, as an amendment to the resolutions of the committee, one declaring that the Whigs would support no candidate for the Presidency not known by his acts and declared opinions to be opposed to the extension of slavery. It gave rise to an exciting debate; Mr.

Winthrop sturdily opposing it, and Mr. Adams, Mr. Sumner, Mr. Allen, and Mr. Dwight as earnestly supporting it. Mr. Adams declared that he would rather vote for a Democrat opposed to the extension of slavery than for a Whig in favor of it. The amendment was rejected; though, as a partial compensation, Mr. Phillips secured by a small majority a vote that the convention should not put in nomination a candidate for the Presidency. Mr. Webster was present, and made a speech, in which he took strong ground against slavery extension, claiming the Wilmot proviso as his own. "Sir," said he, "I feel something of a personal interest in this. I take the sentiment of the Wilmot proviso to be that there shall be no annexation of slave territory to this Union. Did I not commit myself to that in the year 1838 fully, entirely? And have I ever departed from it in the slightest degree? I must be permitted, sir, to say that I do not consent that more recent discoverers shall take out a patent for the discovery. I do not quite consent that they shall undertake to appropriate to themselves all the benefit and honor of it. Allow me to say, sir, it is not their thunder." The antislavery Whigs were again defeated. They, however, went away from that convention more determined and resolute than ever. They felt that a rupture was inevitable, and that it was but a question of time.

As the time for the convention drew near, indications increased that General Taylor would receive the nomination, and that the policy of slavery restriction would be abandoned. Some of the friends of freedom took the alarm, and at once entered upon the adoption of measures to prevent, if possible, such a result, and, in case of failure, to mark out such a course as the exigencies of the case might demand. Charles Allen and Henry Wilson were chosen as delegates to the convention. Their antecedents and generally recognized proclivities made it probable and a matter of popular belief that they would not vote for General Taylor unless he were pledged to the principles of the Wilmot proviso.

Conferences were at once held by those Whigs who had striven to the last to prevent the annexation of Texas and



the adoption of a reactionary policy. On the 27th of May a meeting was held at the office of Charles Francis Adams. There were present Mr. Adams, Stephen C. Phillips, Charles Sumner, E. Rockwood Hoar, Edward L. Keyes, Francis W. Bird, Edward Walcutt, and Henry Wilson. Though they were not ignorant of the sacrifices implied and involved in their action, they resolved at any and every hazard to abide by their principles. It was unanimously determined, if the convention nominated General Taylor, or any candidate not known by his acts and declared opinions to be opposed to the extension of slavery, that "an organized opposition" should be made and at once begun in Massachusetts. It was agreed to call a State convention of Whigs and of all others who would co-operate in such an effort. On the 5th of June a call, which had been prepared by E. Rockwood Hoar, was agreed upon, and held for signature in the event of General Taylor's nomination.

The State of New York had generally exerted a powerful influence on national affairs. Imperial in extent and resources, ably represented by its strong men, occupying a commanding position in the commercial and political world, its voice and votes had ever exerted a large, if not a controlling influence, sometimes for good, but oftener for evil. This was always and necessarily true. But in 1848, and in connection with the presidential election of that year, there were special reasons therefor. Certain causes had produced disaffection with the national Democracy; and a tendency to revolt, which for a long time had been gathering strength, culminated during that year.

In addition to general reasons was the special motive afforded by the treatment which Mr. Van Buren had received from the national convention of 1844, and the gross ingratitude of those States to whose interests and institutions he had given such evidences of fealty. Mr. Van Buren had made great sacrifices for the South. Though he signalized the earlier years of his public life by giving his voice and vote, in the legislature of his State, against the admission of Missouri as a slave State, he soon yielded to the reactionary movement

which followed that violation of the ordinance of '87, and devoted himself so faithfully to slaveholding interests as to merit and receive the name of "a Northern man with Southern principles." And yet, because he faltered in the single matter of Texan annexation, he was abandoned and deprived of the nomination, which not only he, but a decided majority of his party, desired and expected. This was neither forgotten nor forgiven. It intensified the bitter feud then raging between the "Hunker" and "Barnburner" wings of the New York Democracy, and resulted in the defeat of Silas Wright, whose candidacy for the gubernatorial chair in 1844 had unquestionably secured the electoral vote of the State for Mr. Polk. His death, occurring soon afterward, added to the indignation already felt in view of his defeat and of the means through which that defeat had been accomplished.

It was under such circumstances that the primary meetings were held at which delegates were chosen for the Democratic State convention to meet in Syracuse in October, 1847. On the assembling of the convention, it was found that there was a large number of contested seats. An informal agreement was entered into between the leaders of the radical and conservative wings of the party that a temporary organization should be effected, for the purpose of disposing of the "frivolously contested" cases, which, it was understood, were to be forced upon the convention. But that agreement was disregarded by the conservatives, — a breach of faith that embittered the minority, and led such men as Preston King, James S. Wadsworth, and other leading "Barnburners" to refuse to act as officers of the convention. Indeed, it was claimed by the New York "Evening Post" that it was only this determination to ignore the agreement that gave the conservatives the control of the convention.

The Wilmot proviso was the exciting and controlling issue. The discussion was conducted with great spirit and ability. A resolution, prepared by James R. Doolittle, afterward United States Senator from Wisconsin, was offered by David Dudley Field as an amendment to the report of the Committee on Resolutions. This amendment, while promising fidelity to

"the compromises of the Constitution" and to "the reserved rights of the States," pledged "uncompromising hostility to the extension of slavery into territory now free." Mr. Field made a powerful speech in its support. "I am willing," he said, "that our victorious standard should be borne to the Isthmus of Darien or planted on the highest peak of the Polynesian Islands; but the soil on which it advances must be free! Ay, as free as the untrammelled soil on which we stand!"

The amendment was rejected and the resolutions were adopted, though it was claimed that the latter and the nominations were carried not only by an irregularly organized convention, but by a convention without a quorum.

Defeated at Syracuse, the radical Democrats met in convention on the 26th of October, at Herkimer, "to avow their principles and consult as to future action." It was strong in numbers, in talent, and in character, both personal and political. Churchill C. Cambreling was made president, John Van Buren was appointed chairman of the Committee on the Address to the People, and David Dudley Field chairman of the Committee on Resolutions.

The address began by a recital and condemnation of the action of the Syracuse convention, which, it averred, after "its unjust and arbitrary decisions, sustained by partial reports, . . . shrunk to a little more than a third of its original size and expired." Adverting to its repression of the true sentiments of the people, and also alluding to the early anti-slavery history of New York, it claimed that, while that great State was "loyal to the Constitution," it was "true to freedom." It also referred to the great change which had taken place in public sentiment since the days of the Fathers; and it entered its protest against the promulgation of opinions so abhorrent in themselves, so aggressive in their influence, and leading to "the extension of an institution which is a source of insecurity and poverty in peace and of embarrassment and danger in war." Referring to the fidelity of the Democratic party of New York to the "real rights of the South" as an evidence of its devotion to the Constitution, it pro-



claimed its purpose to resist aggression from the opposite direction.

Having discarded the action at Syracuse, the convention declined to nominate candidates for the ensuing election, leaving the matter in the hands of the people. Mr. Field reported a series of resolutions, which were unanimously adopted. Among them was one which had been rejected at Syracuse, and which pledged the uncompromising hostility of the Democracy of New York to the extension of slavery into free territory, then or thereafter to be acquired.

Though defeat followed these dissensions, proceedings equally uncompromising marked the action of that section of the party in regard to the presidential election, then close at hand. Two sets of delegates were chosen to attend the national nominating convention at Baltimore, each claiming to be the sole representatives of the party, and the contest was transferred to the wider theatre of the national organization.

## CHAPTER XI.

### DEMOCRATIC AND WHIG NATIONAL CONVENTIONS OF 1848.

Democratic national convention. — Position of the New York delegation. — Declaration of the Georgia delegation. — Remarks of Dickinson, Smith, Foster, King. — Speech of Yancey. — Right to take slavery into Territories avowed. — Excited debate. — Both delegations admitted. — Cass nominated. — Hallett's resolutions. — Minority report by Yancey. — Whig national convention. — Candidates. — Conferences. — Campbell's resolution. — General Taylor's nomination. — Tilden's resolution. — Bingham's resolution. — Allen's declaration. — Whig party dissolved. — Ashmun takes issue with Mr. Allen. — Mr. Wilson's declaration. — Remarks of Mr. Galloway. — Fillmore's nomination. — Position of General Taylor. — Triumph of Slave Power.

ON the 22d of May, 1848, the Democratic national convention met at Baltimore. The two rival delegations from New York demanding admission, a long and exciting contest arose. A member from Georgia offered a resolution for the appointment of a committee on credentials of one from each State, excepting New York, which should be entitled to two members. Mr. Hannagan of Indiana proposed that the resolution be laid upon the table, to enable him to move that each delegate should pledge himself to support the nominee of the convention. Mr. Yancey of Alabama then moved to amend the resolution by striking out so much as related to New York. Speaking for the delegates chosen at Utica, Preston King deprecated the consignment of the question to a secret committee room, and distinctly avowed that they would never consent to have their claims passed upon without the fullest examination. Daniel S. Dickinson, speaking for the delegates chosen at Syracuse, expressed his willingness to trust their case to "twenty-nine Democratic sisters."

An organization was effected by the choice of Andrew Stevenson of Virginia as president. On the motion to retain the two-thirds rule, it was urged that there should be delay

till the New York question was settled. Mr. Yancey remarked that "if New York does not choose to go with us we will go without her." On the evening of the second day the *Committee on Credentials* reported a resolution providing that the Syracuse delegation should be admitted, on the ground that they had taken the pledge, proposed by the committee, to support the nominees of the convention, while the Utica delegation peremptorily refused.

This report led to an angry debate. The Georgia delegation made the distinct announcement that they would not vote for a Wilmot-proviso man. Speaking for the delegates chosen at Syracuse, Mr. Dickinson characterized the call of the Herkimer convention as the beginning of the disorganization of New York; and he declared that the same character and tone which then prevailed were apparent at Utica. Maintaining that one of the great and cardinal principles of the Democratic party was organization, he said it was his earnest prayer that the required test of supporting the nominees of the convention, which had been described as a degrading one, might be accepted by all Democrats.

Mr. Smith, speaking in behalf of the Utica delegation, entered largely into the history of the party divisions of New York. The term "Barnburner," he said, resulted not from the Jacobinism of its members, but because they fought against patronage, corruption, and place. Denying that they were political Abolitionists, he said that, though they might be defeated, they could not be conquered. On the other hand, Mr. Foster pronounced the Wilmot proviso an abstraction that had no right in that body. Referring to the meeting at Utica, and to the prominent part taken by John Van Buren therein, he said that it grieved him to say that "the chief orator on that occasion was the son of a man who had received more from New York than it could ever contribute to any other man."

Preston King thanked Mr. Yancey for the frankness of the declaration that the candidate of that convention must be in favor of extending slavery into newly acquired territory; but he distinctly avowed that no pledge in advance to support its



nominees would ever disgrace New York. She would never take it, never listen to it. "New York," he said, "has hitherto stood by the constitutional rights of the South. Beyond that she cannot go. Whatever may be the decision of this convention, New York will abide by its resolution. Alone or in company, we will fight this battle of freedom from the beginning to the end."

This clear and emphatic avowal created a profound impression. Southern members fully comprehended its significance. Mr. Yancey, one of their most advanced leaders and eloquent advocates, made an exciting response. He contended that the inhabitants of both sections had an equal right to take their property into the newly acquired territory, and maintained the advanced position that slavery was "one of the fundamental pillars of the Constitution," and that it had been so recognized alike by New York and South Carolina. "Who at this day," he inquired, "will say that what the fathers established is contrary to the laws of God and man? If the Herkimer and Utica conventions have adopted the 'corner-stone' of the Abolitionists and Whigs, in the name of common-sense, in what consists the difference between them?" His motion that the Syracuse delegation be admitted to seats became the signal for a scene of great confusion and uproar, which was with much difficulty controlled.

The speech of Mr. Yancey greatly embarrassed the Northern Democrats. Mr. Thompson of New Jersey expressed his regret and apprehension at his position, avowed that he had always sympathized with the South, and that he was utterly opposed to the Wilmot proviso. "But to refuse a delegation," he said, "simply because they are opposed to slavery will sound the knell of the Democracy. Its mournful peal will ring throughout the Union." Admitting that the question of slavery was one of life or death to the South, Mr. Strange of North Carolina said: "It is certainly impolitic for the South to raise issues on that subject when they are now in so great a minority, not only in this country but in the world."

After an excited debate, the convention, late in the even-

ing of the third day, on motion of Mr. Bartley of Ohio, and by a close vote, admitted both delegations ; but they were to cast only the electoral vote of the State. This action was satisfactory to neither party ; the Syracuse delegation protesting against it, and that of Utica refusing to take farther part in the proceedings. The two-thirds rule having been adopted, Lewis Cass of Michigan was nominated for President, and William O. Butler of Kentucky received the nomination for the Vice-Presidency.

The position of General Cass on the great issue before the country had been clearly defined and distinctly pronounced. In a letter to Judge Wilson, dated February 19, 1847, he wrote : " The Wilmot proviso will not pass the Senate. It would be death to the war, death to all hope of getting an acre of territory, death to the administration, and death to the Democratic party." In his letter to O. P. Nicholson of Tennessee, written in December of the same year, after writing, " I am strongly impressed with the opinion that a change has been going on in the public mind upon this subject, in my own as well as others," he added : " The people of the United States must choose between this restriction and the extension of their territorial limits." The success of the proviso, he also writes, would lead " to an immediate withholding of supplies, and thus to a dishonorable termination of the war. The treaty with the proviso would certainly be rejected." Thus plainly, though somewhat euphoniously perhaps, did General Cass confess his change of views and the abandonment by himself and friends of their position to conciliate his Southern friends ; and thus clearly did he commit himself, his friends, and the party that selected him as its candidate, to the policy of the slavery propagandists.

On the last day of the convention, Benjamin F. Hallett of Massachusetts reported a series of resolves. The seventh resolution declared that Congress " has no power under the Constitution to interfere with or control the domestic institutions of the several States," and that " all efforts of the Abolitionists or others to induce Congress to interfere with questions of slavery . . . are calculated to lead to the most

alarming and dangerous consequences, and ought not to be countenanced."

Mr. Yancey made a minority report, declaring that the doctrine of non-interference with the rights of property, be it in the States or in the Territories, is the true republican doctrine, which should be recognized; and also denying the right of Territorial legislation to regulate slavery. This amendment was rejected by a vote of thirty-six to two hundred and sixteen, and the report of the committee was adopted without division. Although the convention did not indorse the doctrine affirmed by Mr. Yancey, which the Slave Power subsequently sought to impose upon the country, yet, by its action, its resolutions, and its nominees, it fully committed the Democratic party against the prohibition of slavery by the general government in territories acquired or to be acquired.

The Whig national convention of 1848 assembled at the Chinese Museum, in Philadelphia, on the 7th of June. Ex-Governor John M. Morehead of North Carolina was made president. For the presidential nomination the names of Mr. Clay, Mr. Webster, General Scott, and General Taylor had been mentioned, and their respective merits and claims had been freely canvassed. Mr. Clay was the choice of large numbers, who had early attached themselves to the great chieftain, and who still clung to his fortunes with strong personal as well as political regard. The more moderate portion of the party, too, regarded him as their representative and leader. .

There was a class, however, who looked to General Scott as affording better promise of success. He did not represent a policy essentially different from that of Mr. Clay; but he was a great soldier, and it was hoped he could win the support of many who would be more strongly attracted by a military than by a merely civil reputation.

The strength of Mr. Webster was never large; and yet there were many who desired his nomination because of his signal ability, his national reputation, and his location, which recommended him to the Eastern and Middle States. His views, too, upon slavery — which, though rather past and his-



torical than present and pronounced — were in more general accord with the antislavery portion of the party than those of any other man whose name was mentioned in connection with that high office.

But the more active and determined of the proslavery Whigs, both North and South, with large numbers of no particular views on the subject, — men with whom promised availability was the main consideration, — looked to General Taylor as presenting the strongest claim for their suffrage. His laurels, still green and recently acquired in the Mexican war, his general reputation for probity, and the popular taste for military characters, early suggested his name as among the prospective candidates. Soon after the early battles of that war, Thurlow Weed, a gentleman of marvellous tact and skill, conceived the idea of his nomination, and immediately wrote to him his impressions, and cautioned him to be careful of his commitments upon the political questions of the times. Truman Smith, then a Senator from Connecticut, distinguished, too, for his great organizing powers, entered heartily into the project, and was among the most effective agents in securing the nomination and election of the victorious captain.

General Taylor was a Southerner, a slaveholder, and the favorite candidate of those Whigs who were opposed to the policy of slavery prohibition. His friends came into the convention with the determination to use every means to secure his nomination. Firm in purpose and strong in numbers, they were marshalled by resolute and adroit leaders. They were not only resolved upon his nomination, but, singularly enough, they were determined to effect it without committing him to the organization, principles, and purposes of the party.

Though the current of opinion in and out of the convention was strong in favor of General Taylor, the friends of other candidates were not idle. A conference was held of those members and others opposed to his nomination. Mayor Swift of Philadelphia presided. Governor Jones of Tennessee, Charles S. Morehead of Kentucky, warm and enthusiastic supporters of Mr. Clay, and several other gentlemen, made earnest appeals in his behalf. In response to these appeals,

Mr. Wilson of Massachusetts avowed that he was not only opposed to the nomination of General Taylor, but to that of any other candidate not fully committed, by his own acts or the declarations of the convention, to the Wilmot proviso; and that, if such a nomination was made, he should leave the convention, go home, and unite with others in the support of one who should be committed to the policy of freedom.

The nomination of General Taylor seemed a foregone conclusion. To test the purposes of members, Lewis D. Campbell of Ohio submitted a resolution pledging the convention against the nomination of any candidate not committed to the organization and policy of the Whig party. This resolution was received with a storm of opposition, and pronounced to be out of order. Another resolution was presented in behalf of the New York delegation by Mr. Fuller, but after a severe contest it was clamored down. But, notwithstanding the opposition, General Taylor received, on the fourth ballot, the nomination, by a majority of more than sixty.

Mr. Tilden of Ohio then submitted a resolution declaring that Congress had the power, and that it was its duty, to prevent the introduction and existence of slavery in any territory then possessed or which might thereafter be acquired. Amid the greatest confusion, he stated that the resolution was drawn by the Ohio delegation, who felt constrained to put it forth and ask its adoption as a part of their political faith, though Mr. Sherman, of the same State, deprecated its introduction. The resolution was laid upon the table, upon the motion of Mr. Brown of Pennsylvania, who contemptuously denounced its friends as factionists. A resolution was then introduced by John A. Bingham of Ohio, declaring that the Whig party, through its representatives, agrees to abide by the nomination of General Taylor, on condition that he will accept the nomination of the Whig party, and adhere to its great fundamental principles,—no extension of slavery, no acquisition of foreign territory by conquest, protection of American industry, and opposition to executive patronage. This, too, was received with mingled cheers and hisses, and pronounced out of order.

Mr. Allen of Massachusetts, amid wild excitement and continued interruptions, rose and declared that the discipline of the South had again prevailed; that it was evident the terms of union between the Whigs of the North and the Whigs of the South were "the perpetual surrender by the former of the high offices and powers of the government to their Southern confederates. To these terms, I think, sir," he said, "the free States will no longer submit. I declare to this convention my belief that the Whig party is here and this day dissolved. You have put one ounce too much on the strong back of Northern endurance. You have even presumed that the State which led on the first revolution for liberty will now desert that cause for the miserable boon of the Vice-Presidency. Sir, Massachusetts will spurn the bribe."

Mr. Ashmun of Massachusetts then rose and declared that Mr. Allen had spoken without consulting the delegation of that State. He said, "My colleague did not express my feelings; and I think I can safely say that he did not express the sentiments of the people of Massachusetts." This declaration was enthusiastically applauded. Mr. Wilson said he understood Mr. Ashmun to say that he entirely concurred in the proceedings of the convention. He replied that he did not concur in the nomination; "But," said he, "I did not come here to express a factious opposition to its proceedings."

The declaration of Mr. Wilson that he would "not be bound by its proceedings" became the signal for the wildest uproar and the most tumultuous demonstrations. Opposition being made to his proceeding, Mr. Stanley of North Carolina begged the convention to listen, remarking that the gentleman was injuring nobody but himself. Leave being granted, Mr. Wilson said: "I came to the convention a Whig, committed unreservedly to the principles of the Whig party and to its organization. I ask of this convention the nomination of a Whig who is unreservedly committed to the principles of liberty. We have nominated a candidate who has said to the nation that he will not be bound by the principles of any party. Sir, I will go home; and, so help me God, I will do all I can to defeat the election of that candidate."



Mr. Lunt, of the same State, declared that he had listened with pain, and he might say with indignation, to sentiments spoken by some of his colleagues ; and he predicted that Massachusetts would give General Taylor a decided majority of her votes. This declaration was received with tumultuous cheers.

Mr. Galloway of Ohio said that the deed which had just been consummated had struck him with sudden and sore surprise, and would send a thrill of disappointment into many minds. "I am," he said, "the advocate of free soil and free territory. I cannot be severed from the position I occupy by any party machinery or alliances. This platform my constituents cannot and will not abandon. If a candidate is orthodox on this fundamental principle, they and I can hail and receive him. If he is not, he will be nailed by us 'as base coin to the counter.'"

Mr. Campbell of Ohio said that he would not go it blind ; that Ohio had been borne down by the South, and a deaf ear turned to her entreaties. "That great moral principle," he predicted, "which has fastened itself so firmly on the free Whigs of Ohio, will arouse to action, in all the majesty of her strength, the young giant of the West."

But, notwithstanding the determined opposition manifested towards General Taylor in the convention, his friends were cheered by the assurances given by several of the opposing members that they would go home, consult their constituents, and be guided by their determination ; and by the fact that Mr. Allen and Mr. Wilson were the only members who had completely severed their connection with the convention, and had avowed their purpose to oppose its nominations. It had been the purpose of the leading supporters of General Taylor to nominate Abbott Lawrence of Massachusetts for the Vice-Presidency. But on the first ballot Mr. Lawrence received only one hundred and nine votes to one hundred and fifteen for Mr. Fillmore. This gave the latter a plurality of six, and secured his nomination on the next ballot. Unquestionably the declarations and actions of Mr. Allen and Mr. Wilson led to this result, and gave to New York the honor which was intended for their own Commonwealth.

General Taylor's nomination was another and a signal triumph of the Slave Power. He was the favorite candidate of the slave-holders, especially of the slave-extensionists, and, from the first, had been brought forward as "the only Southern man who could be elected." He had never identified himself with the Whig party. He had never given a vote. He had frankly said that he had never made up his mind upon the leading questions at issue between the parties. Not only had he refused to be the exponent of Whig principles, but he had accepted the nomination of bodies of men not known or received as Whigs, while they scouted the very idea of being in any way bound by the acts of any national convention. So late as the 20th of the preceding April, he had declared he would not withdraw his name if Henry Clay or any other Whig should have the nomination. His active supporters were mostly from the slaveholding States and those free States which had generally given Democratic majorities. Indeed, on the final ballot, of the whole number of votes received by General Taylor, ninety-seven were from States that voted for Mr. Polk in 1844. Those most violent in their opposition to the Wilmot proviso, and most distinguished for their want of sympathy with the liberal principles of the age, were most forward and uncompromising in their advocacy of his claims. The delegates from the Whig free States were nearly unanimous in their opposition to him, he receiving, on the first ballot, but four of the ninety-four votes they had in convention. He was emphatically the candidate of the slave-extension Whigs, and a class of trimming politicians from States hopelessly Democratic, who expected, by support and votes given him in the convention, to secure for themselves and friends executive appointments and executive patronage.

Having nominated this unpledged slaveholder of Louisiana, rejected with contumely the Wilmot proviso, which had been supported by all the Whig legislatures of the free States, and branded its friends as "factionists," the convention dissolved. The submission of the party to the Slave Power was not perhaps quite as complete and decided as that of its great rival;

and yet, notwithstanding its previous record of honorable opposition and protest to many of its aggressions, it had now succumbed to the haughty oligarchy, and had permitted it to dictate its policy and to select its candidates.

Southern members and those at the North who had joined in this betrayal returned to their homes exultant. Other members, whose convictions were weak and whose attachment to the principles of liberty were small, hastened to give in their adhesion to the then dominant policy. Others still, with deeper convictions and stronger attachments, indignant and aggrieved at the base surrender, returned to consult with the people and await events. A very few, more fully comprehending the real significance of this defeat, saw, or thought they saw, the necessity of an immediate effort to arouse the country to a truer appreciation of the gravity and dangers of the situation.



## CHAPTER XII.

### POPULAR MOVEMENTS OF THE OPPONENTS OF SLAVERY EXTENSION.

The Utica convention. — Van Buren's letter. — His nomination. — Declaration of principles. — Meeting of antislavery men at Philadelphia. — Committee to call a national convention. — Ohio convention. — National convention called at Buffalo. — Mr. Wilson's address to the Whigs of his district. — Mr. Allen addresses the citizens of Worcester. — Call for a State convention. — Convention at Worcester. — Resolutions. — Address to the people. — Delegates to the Buffalo convention. — Position of Mr. Webster. — Attitude of the nation.

HAVING peremptorily refused to become members of the Democratic national convention upon the condition tendered to them, the Utica delegates immediately issued an address to the Democracy of New York, condemning the action of the convention and justifying their own. They summoned a State convention to meet at Utica on the 22d of June, to hear its report, and to recommend candidates for President and Vice-President to the Democratic State convention to be held in September. Colonel Samuel Young, a veteran Democratic statesman, presided. The meeting was earnest and enthusiastic. The speaking was eloquent, racy, and sharp. One of the speakers remarked that were one to import a single slave into any State or Territory he would be hung as a pirate, "yet we are asked to make our flag carry slavery to the shores of the Pacific, to plant it wherever our dominion extends."

A letter was read from Mr. Van Buren, defining his position and that of the men who had invited him to become their standard-bearer. Communications were received indorsing the policy of slavery restriction and expressing the hope that Mr. Van Buren would be nominated for the Presidency. On the second day he was nominated for President by acclamation, and Henry Dodge of Wisconsin for Vice-President. General Dodge, however, promptly declined the nomination.

Resolutions were adopted, and an address to the Democratic electors of New York was issued. In this address the action of the national convention was sharply criticised, and the doctrine of undying hostility to the further extension of slavery was enunciated.

The "Barnburners" were the ablest portion of the New York Democracy. They were thorough party men, but progressive in their tendencies. Martin Van Buren and Silas Wright were the chiefs of this section of the Democratic party. If Mr. Wright had not died in 1847, he would undoubtedly have been the Buffalo nominee in 1848. All the "Barnburners" of 1848, in their desire to avenge the wrongs of Van Buren and Wright, were willing to use the Free Soil weapons. But in one class the Free Soil doctrines were deeply rooted, and in the other they were either merely employed to meet the emergency or were held rather loosely. Prominent in the first-named class were Preston King, William Cullen Bryant, David Dudley Field, Abijah Mann, James S. Wadsworth, Ward Hunt, James W. Nye, George Opdyke, and H. H. Van Dyck. All of these were leading men in 1848, all acted with the regular Democracy in 1852, but all of them became very active in the Republican party in 1856. In the other class of "Barnburners" were Benjamin F. Butler, Churchill C. Cambreling, Samuel Young, and Azariah C. Flagg, — veteran statesmen, whose names gave prestige to the movement, — John A. Dix, John Van Buren, Sanford E. Church, Dean Richmond, Samuel J. Tilden, and John Cochrane. Dix and Cochrane went to the field at the opening of the Rebellion, and became Republicans. Van Buren, Church, Tilden, and Richmond clung to the Democratic party, but were moderately on the side of their country during the war. These and others that might be mentioned were all men of influence and power in the Free Soil movement. But the "bright, particular star" of that revolt was John Van Buren. He was an able lawyer, and unquestionably one of the best popular orators of his time. During the progress of the contest of 1848, he became imbued with antislavery sentiments; but he still adhered to the Democracy, though he never felt quite at home there after 1848.

Indeed, such was the brilliant record he then made, his popular talents, his prestige of name and position, that, had he remained true to the principles he then advocated, he would unquestionably have been one of the foremost men of the Republican party, if not its accepted leader, and would thus have linked his name with the imperishable history of its grand achievements.

After the nomination of General Taylor had been consummated, the use of the lecture-room of the building in which the convention had been held was obtained by Mr. Wilson for a meeting that evening of delegates and others opposed to the selection made. Fifteen gentlemen were present: Louis O. Cowan and Samuel Bradley, of Maine; Charles Allen, Henry Wilson, and Daniel W. Alvord, of Massachusetts; Isaac Platt, John C. Hamilton, and Robert Colby, of New York; Horace N. Conger of New Jersey; Lewis D. Campbell, Samuel Gallogway, John C. Vaughan, Stanley Matthews, John Burgoyne, and H. B. Hurlburt, of Ohio. Others, in and out of the convention, who had expressed great dissatisfaction at its action and had avowed their indignant purpose not to submit to it, had been invited, and had promised to be present; but they yielded to the strong pressure of the hour, and failed to make their appearance.

Mr. Wilson, who had called the meeting, stated its object. Referring to the action of the convention, to the complete triumph of the Slave Power in the nomination of a candidate uncommitted to the organization or to the principles of the Whig party, to the prompt rejection of the Wilmot proviso, and to the denunciation of its friends as "factionists," he avowed his determined purpose to repudiate its action and its candidates. He had called them together, he said, to take measures for holding a national convention for the organization of a new party and for the nomination of candidates pledged to freedom. At his suggestion, John C. Hamilton, son of Alexander Hamilton, was invited to act as chairman of the meeting. On taking the chair, Mr. Hamilton briefly referred to the disastrous influences of slavery even over the earlier administrations of the general government, and to the opinions



and actions of his illustrious father and of other statesmen of his day. Robert Colby, son of ex-Governor Anthony Colby of New Hampshire, then a young lawyer of the city of New York, was appointed secretary.

It was then moved by Mr. Wilson that a committee of three be appointed to take immediate measures to call, at an early day, a national convention of all persons opposed to the extension of slavery and to the election of the candidates of the Democratic and Whig parties. On this motion remarks were made by several gentlemen. Lewis D. Campbell sharply criticised the action of the convention, denounced the nomination of General Taylor, and declared his purpose not to vote for his election. But he would go home, he said, and consult the people of Ohio before he committed himself to any course of action.

The motion for a committee was earnestly and strongly advocated by Mr. Allen. He was for immediate action, for the organization of a new party, and for a vigorous and aggressive policy. He was followed by Mr. Galloway in an earnest and eloquent denunciation of the proceedings of the convention; but, like his colleague, he too wished to return home and consult the people. Mr. Platt, then editor of the Poughkeepsie "Eagle" and a delegate to the convention, spoke in favor of the appointment of the committee, and expressed the hope that large results might follow such small beginnings.

Mr. Vaughan, a South-Carolinian by birth, and an antislavery man by conviction, who had been associated with Cassius M. Clay and others in the conduct of antislavery journals, spoke earnestly of the aggressions of the slaveholding interest, of the skilful tactics of the Southern leaders, and of the weakness of Northern delegates, by which the cause of freedom had been betrayed. After further discussion, the committee was appointed, consisting of Joshua R. Giddings, Charles Allen, and John C. Vaughan. It was then decided that the convention should be held at Buffalo early in August. It was also agreed that Mr. Vaughan should attend the People's mass convention, which had been called by citizens of Ohio, without distinction of party, of those opposed to the extension of slavery,

to meet at Columbus on the 22d of June. The purpose of his attendance was to persuade, if possible, the proposed meeting to issue the call for the national convention agreed upon.

The Ohio convention was largely attended. Mr. Vaughan was appointed chairman of the Committee on Resolutions, and reported a well-defined and comprehensive platform of principles. One of the resolutions invited all the friends of freedom, free soil, and free territory, opposed to the election of Cass or Taylor, to assemble at Buffalo on the 9th of August to nominate candidates for the Presidency and Vice-Presidency. The speeches and resolutions were based on the principle that the ordinance of 1787, which had given freedom to the Northwest, indicated the only safe policy then to be pursued.

A convention of the Liberty party was held at the same time and in the same city. Salmon P. Chase presided. John P. Hale of New Hampshire and Leicester King of Ohio were nominated for President and Vice-President, and the proposed convention at Buffalo received its indorsement.

Immediately on his return to Massachusetts from the Philadelphia convention, Mr. Wilson issued an address to the Whigs of the Eighth Congressional District. He had been sent to the convention by the same body which had nominated Horace Mann as the successor of John Quincy Adams, and which had then unanimously resolved that the "voice and vote" of their representative "shall on all occasions be exercised in extending liberty to the human race." He defined the position of General Taylor, traced the proceedings of the convention, and declared that he became convinced that if he consented to his nomination it must be done at the sacrifice of his own opinions and the betrayal of theirs. "What was I," he asked, "your delegate, known to be opposed to slavery in all its forms, to do? Should I, by approving this course, give the lie to my own professions, and to your unanimously recorded votes? I could not be false to my own convictions of duty and to your deliberately recorded opinions to gain the applause or escape the censure of any man or of any body of men. I announced to the convention that I should not be bound by its nominations; and I ventured the assertion, in

your behalf, that the Whigs of the district that had sustained John Quincy Adams in his long and glorious career would spurn a nomination forced upon them by the arrogance of the South, aided by the servility of the North." He closed his address with the declaration that he would have nothing to do with the convention or its candidates; that he repudiated such abandonment of principle; and that he washed his hands, then and forever, of all agency in such an ignoble work. "Bitter denunciations," he said, "have already been heaped upon me, yet I see nothing to retract. No hope of political reward, no fear of ridicule or denunciation, will deter me from acting up to my convictions of duty in resisting the extension of slavery and the arrogant demands of the Slave Power."

On the 21st of June, Mr. Allen addressed the citizens of Worcester County in a speech of great length, in which the proceedings of the convention and the issues at stake were set forth with rare ability and force. His audience was large and highly intelligent, embracing many of the representative men of the county and of the State, and few speeches have produced a more marked and immediate effect. Before applauding friends, he declared anew the prediction he had proclaimed at Philadelphia, which subsequent events speedily verified,—the dissolution of the Whig party of the United States. "I discard," he said, "the old; I look forward to the new. The great principle of free soil and non-extension of slavery is the principle, overriding all others, which I wish emblazoned upon the flag under which we may hereafter enlist." The meeting responded to his appeals by the enthusiastic adoption of a resolution proclaiming that "Massachusetts wears no chains and spurns all bribes; that Massachusetts goes now, and will ever go, for free soil and for free men, for free lips and a free press, for a free land and a free world."

When the intelligence reached Massachusetts that General Taylor had been nominated, and that treason to liberty had been more complete than even the antislavery Whigs had apprehended, the call, which had been prepared in anticipation



of that result, was issued for a mass convention, to be held at Worcester on the 28th of June. Denying the binding obligation of the nomination on all Whigs, because General Taylor was not committed to their principles or to their organization, the call repudiated with special emphasis the obligation of Massachusetts Whigs to support it; inasmuch as he was believed to be, and those who secured his nomination were known to be, unmistakably hostile to the vital doctrines of liberty, to which they had so unequivocally and repeatedly affirmed their adhesion.

The convention met at Worcester. Its numbers were resolute and determined, of large intelligence and moral worth. A committee on an address and resolutions was appointed, of which Stephen C. Phillips of Salem was chairman. A resolution was reported by Mr. Phillips tendering to Mr. Allen and Mr. Wilson the warmest thanks of the convention for "the fidelity, consistency, decision, and boldness with which they performed their duty as delegates from Massachusetts to the national Whig convention"; and declaring, too, that "this convention hereby ratifies their acts, and assures them that their services will be held in grateful and proud remembrance by the people of Massachusetts." Speeches were made in which the action of that convention was sharply criticised; and the people were urged to adopt the broad principles of freedom as the basis of their future and persistent action.

The address, reported by Mr. Phillips, was from his prolific pen. It set forth with great fulness of detail the perils and needs of the country; the motives, principles, and purposes of the men who had there assembled to organize resistance against the Slave Power. In that trying hour, when the people seemed to be yielding in powerless submission, its tone was confident and almost defiant. With cheerful hope of future success, it closed with these words: "Truth, justice, liberty, patriotism, and humanity are bound together in indissoluble union and are destined to share a common triumph. We know our duty, we appeal to the people, and we trust in God."

Six delegates — two each from the Whig, Democratic, and

Liberty parties — were chosen to attend the Buffalo convention, and a State committee of fourteen was appointed, of which Mr. Adams was chairman. Mr. Paine and Mr. Hart, of Rhode Island, made earnest and effective addresses. Amasa Walker and Joshua Leavitt followed with warm appeals for unity among Democrats, Whigs, and all others, against these persistent and alarming encroachments of the Slave Power. Lewis D. Campbell, a delegate to the national convention, was then introduced by Mr. Wilson. He vividly portrayed the proceedings of that body and the scenes which transpired in the convention; said he had given a written pledge to the people of his district that he would vote for no man not pledged to Whig principles and against the extension of slavery, and he proclaimed his purpose to return to Ohio and give back to his constituents the authority they had intrusted to his hands; and then he said: “I will take my position, and it will be right.”

The address and resolutions were then unanimously adopted. The convention was afterwards addressed by Mr. Giddings, who was welcomed with a most enthusiastic greeting. His address, too, was received with the most lively expressions of satisfaction. Mr. J. C. Lovejoy, then a member of the Liberty party, spoke with vigor and effect. Charles Francis Adams laid down with clearness and precision the fundamental principles of liberty, and applied them to the existing condition of the nation. Charles Sumner followed, in a speech of great thoroughness and force; not only enunciating the commanding principles of liberty, but foreshadowing with confidence and hope the time when they should be embodied in the actual and triumphant policy of the State and nation.

Fletcher Webster and a few of his father's friends were present, not to take part in, but to note, the proceedings of the occasion. E. Rockwood Hoar said in his admirable speech, which was listened to with marked attention, that he was authorized to say that Mr. Webster had not committed himself to the support of General Taylor, and also that he and his friends sympathized with the purposes of the convention. It was the hope enkindled by these assurances which prompted

that convention of earnest, resolute, and hopeful men to declare that Massachusetts still looked to Daniel Webster to uphold before the country the policy of the free States ; that she was relieved to know that he had not advised the support of General Taylor ; and that she invoked him, at that crisis, “to turn a deaf ear to the ‘optimists’ and ‘quietists,’ and to speak and act as his heart and his great mind shall lead him.”

Upon a pressing invitation of Fletcher Webster, Mr. Allen and Mr. Wilson, a day or two after the convention, visited Boston to confer with Mr. Webster in regard to political affairs. But he was absent from the city. On his return, Mr. Wilson called again at his office. Mr. Webster commended very highly the resolutions and the address of the Worcester convention, and expressed his confidence in the gentlemen who had called it and participated in it, many of whom he recognized not only as political but personal friends. In response to a question as to the purposes of those engaged in the movement, Mr. Wilson replied that they intended to create and combine a public sentiment which would uphold those statesmen who were in favor of the Wilmot proviso, and break down those who opposed it ; that they desired to unite all those who would resist and overthrow the dominating influences of the Slave Power, and restore the government to the policy of its founders ; that, in fact, they would make “a North.” Mr. Webster replied with much feeling that there had never been a North ; that, when he and others had striven to resist the demands of the South, they had been overborne by Northern men, by the representatives of such States as Maine, New Hampshire, Connecticut, New York, and Pennsylvania. He admitted that if the proposed convention at Buffalo could so concentrate public sentiment as to sustain those who were true to Northern rights and interests, they would achieve a great and much-desired result. But he doubted their ability to do it. The South had long controlled the government, was in possession of power, and had vast and controlling influences at its command.

For weeks, however, he continued to avow opposition to the



nomination of General Taylor. Even after the Buffalo convention, he told his friends that he could stand on its platform. But he soon yielded to the pressure, and avowed his purpose to support the nomination, although he had previously characterized it as "not fit to be made." This sad confession and course of Mr. Webster afford an illustration of, as well as a key to, the political history of the nation from the start. In avowing his readiness to accept the Buffalo platform, of which the Wilmot proviso was the corner-stone, and yet actually supporting a platform the distinctive feature of which was that it rejected that proviso, he did nothing more nor worse than the nation had long been doing, — attempting to combine and harmonize the antagonistic elements of republicanism and despotism, of freedom and chattelhood ; announcing the grandest doctrines of human rights, and largely incorporating them into its laws and practical legislation, and yet making no secret of its purpose to maintain and give vigor to the baldest and most oppressive system of slavery, individual and social, the world had ever seen. Though always aware of this inconsistency, and restive under its imputation, it still went on with these two conflicting civilizations. It proclaimed the doctrine of the Declaration, recognized with Washington that intelligence and morality were the "two pillars" on which alone free institutions could securely rest, and sought its own elevation and improvement by developing its resources of matter and mind while subject and yielding to forces, old and new, to which it was ever and necessarily exposed. At the same time it sought with equal and direct purpose to repress and restrain, to darken and degrade, a large fraction of its population, because ignorance and restraint were the only conditions by which slavery could be maintained.

## CHAPTER XIII.

### BUFFALO CONVENTION.

Buffalo convention. — Mr. Chase president of the delegated convention. — Mr. Adams president of mass convention. — Unity and enthusiasm. — Governor Slade's letter. — King's. — Platform. — Speeches of Adams, Giddings, Butler, Grover, White, Nye, Stanton, Briggs, May, Mahan, Bibb, Bird, and Sedgwick. — Van Buren's letter. — Van Buren and Adams nominated. — Van Buren's letter of acceptance. — Popular feeling. — State conventions in Massachusetts, New York, and Ohio. — Movements in the Southern States. — The canvass.

ON the 9th of August, 1848, the opponents of slavery extension met in convention at Buffalo. Salmon P. Chase was chairman of the delegated convention, and Charles Francis Adams presided over the mass meeting. A tent had been prepared large enough to accommodate the thousands who gathered there. Mr. Adams stated the reasons for the call which had brought them there, and enunciated the general principles on which the new organization must be based. He declared that they were "under a necessity" to denounce the old organization of parties as no longer worthy of the confidence of the American people. "Set up your standard," he said, "of freedom and truth, — everything for the cause, and nothing for men. Let your deliberations then proceed, and may the Divine blessing rest upon the result, so that we can take one step forward to realize that great idea of our forefathers, the model of a Christian commonwealth."

Unity of feeling, opinion, and action seemed to pervade the convention. The Rev. William Wilson, pastor of the Church of the Covenanters in Cincinnati, sent a despatch which read like a summons to battle. It urged the convention to "exhibit one issue, one front, one nomination; courage! enthusiasm! anticipate victory!" Governor Slade of Vermont, in a letter to Mr. Giddings, which was read, pleaded for union.

“Union,” he said, “should be our watchword. Divided we have fallen, and divided we must forever fall, before the all-grasping, overreaching, and never-satisfied power of slavery.” He would not, he said, to prevent slavery extension, take Taylor to defeat Cass; for “we should have it under either, and should therefore take neither.”

Stirring and eloquent speeches were made. Earnestness, deep convictions, and devotion to the cause, were everywhere manifest. “Let the men of deepest principle,” said Mr. Peck of Connecticut, “manifest the most profound condescension and the deepest humility to-day, and posterity will honor them for the deed.” Preston King of New York introduced three resolutions, prepared by Mr. Chase, declaring that it was the duty of the Federal government to relieve itself from all responsibility for the extension and continuance of slavery wherever it had authority; that it was not responsible for slavery in the States; and that the only safe means of preventing the extension of slavery into free territory was to prohibit its existence there by act of Congress.

Benjamin F. Butler of New York, from the Committee on Resolutions, reported fifteen, in which were embodied the clearly defined principles of the new organization. They declared that the members of the convention, obedient to the example of the fathers, and trusting in God, aimed to plant themselves upon the national platform of freedom, in opposition to the sectional platform of slavery; that, slavery being a State institution, they proposed no interference with it by Congress; that the history of the ordinance of 1787 showed the settled policy of the fathers not to extend, but to limit slavery; that the fathers ordained the Constitution to secure the blessings of liberty; that Congress had no more power to make a slave than to make a king; that the national government should relieve itself from all responsibility for the existence of slavery; that Congress should prohibit slavery by law in all free territory; that they accepted the issue forced upon them by the Slave Power; and that their calm and final answer was: No more slave States, no more slave territory, no more compromises with slavery; and freedom for Oregon, California, and New Mexico.



To this comprehensive and clearly constitutional platform of principles, policy, and measures concerning slavery, were added declarations in favor of cheap postage, retrenchment, grants of land to actual settlers, the early payment of the national debt, a tariff adequate to the current expenses of the government and an annual instalment for the debt. Having enunciated this platform of principles and proposed measures, they resolved that "we inscribe on our banners Free Soil, Free Speech, Free Labor, and Free Men; and under it will fight on and fight ever, until a triumphant victory shall reward our exertions."

Mr. Giddings appealed with great earnestness and solemnity to his friends to accept the resolutions, and there on the spot to enter into "a holy and indissoluble league and covenant." Mr. Butler declared that he had tried to meet the question with a just sense of his responsibility to his fellow-men and "to Him who is the judge that sitteth upon the throne and shall weigh all the actions of men." "I went first," he said, "to the Declaration of Independence; and I find it filled with this great foundation truth, that all men are born with certain rights, among which are life, liberty, and the pursuit of happiness. And then I looked to the Bible, and I find that of one blood hath God created all the nations of the earth. Free labor cannot exist where slavery holds sway, and thus the question embraces the interests of myriads that are to come after us."

Martin Grover avowed himself a "New York Democrat of the regular apostolic succession," but in favor of free soil, of the divorce of the general government from the support of slavery, and the repeal of every statute ever passed to uphold it. Erastus D. Culver of New York, who had told his constituents, when they sent him to Congress, that he should "fire upon the abominable institution of slavery so long as there was a loop-hole," and who had bravely kept his pledge, avowed himself in favor of a bold and aggressive policy. Mr. Brinkerhoff of Ohio, who drafted the Wilmot proviso, said he was no admirer of John C. Calhoun, nor of the satanic system of political philosophy of which he was the exponent; but

he did agree with him that the country was "in the midst of a crisis, — an important, a momentous crisis." He gloried in the name of Democrat; but he adopted the sentiments of Jefferson, embodied in the ordinance of 1787, which had made forever free the great Northwest.

Joseph L. White of New York, formerly a Whig representative from Indiana, and a devoted admirer of Henry Clay, sharply criticised the action of the Whig convention in nominating General Taylor. Alluding to the aggressive action of the South, he said: "We have endured it until toleration has ceased to be a virtue, and now we plant ourselves upon the platform that our fathers planted themselves upon, and say to the South, 'Beware! The blood of the Roundheads is aroused.'" He avowed himself ready to fight with Free Soil men so long as they should continue the fight; and, when they ceased, he would fight on his own hook and under his own banner, and that banner should be, "Liberty and revenge."

General James W. Nye, then of New York, but subsequently United States Senator from Nevada, made a humorous and telling speech. "A crisis has arisen," he said, "when old prejudices must be laid aside, sacrificed upon the altar of our country's good. I have come here to lay down all my former predilections upon this altar, to strike hands with those even against whom I have formerly battled. God raised up a David of old to slay the giant of Gath. So hath David Wilmot, with the sling of freedom and the smooth stone of truth, struck the giant Slavery between the eyes. He reels; let us push him over."

Henry B. Stanton said that "the motto of the convention should be that of the French Republic: 'Liberty, Equality, Fraternity.' We have come up to contend against a movement on the part of the slave interest to extend that institution, which takes the image of Almighty God on the immortal soul, blots it therefrom by legislation, and stamps in its place by legal enactment the name 'brute,' 'beast,' 'property.'"

James A. Briggs of Ohio said that it was the "principle of freedom, which has magnetized all hearts," that had brought together the great multitude before him. They had not come

up there, he said, to "sing songs of laudation to a victorious general," but "to speak and to act for free soil, free speech, and for negroes too." Rev. Samuel J. May, the veteran Abolitionist, said he had been for a dissolution of the Union, but when he beheld the movement which had culminated that day "hope was renewed." He had thought resistance to slavery extension was "a small matter, a straining at a gnat after we had swallowed the camel"; but he, "on reflection, had come to the conclusion that the extension of slavery was one of its essential elements, one of its main supports, and that in opposing extension we strike a powerful blow at slavery itself."

Robert Wilson of Michigan said he was one of the instruments that, in the Democratic national convention of 1844, had put aside Martin Van Buren under the same influence which had then nominated General Cass, and he came to that convention "to atone for the wrong done to Martin Van Buren." Professor Mahan of Ohio, referring to the apprehension of antislavery men that they would not be able to secure a platform sufficiently broad and comprehensive, said that Liberty party men, "Barnburners," and Whigs could ask for nothing more, for they had secured "a platform on which the genius of Liberty could walk through the length and breadth of the land." It having been reported that John Quincy Adams had spoken approvingly of the anticipated nomination of General Taylor, Francis W. Bird of Massachusetts stated that that far-seeing statesman might have anticipated the nomination, but he could not have desired it, unless he did it for the purpose of "breaking up both of the old parties, and bringing about this union of good men and true of all political parties which we see here to-day"; and he added, "the last meeting 'the old man eloquent' ever attended was a meeting of 'conscience' Whigs, held in Boston at the office of his only son, Charles Francis Adams, and he approved of the ground taken by them."

Henry Bibb, a fugitive slave, then residing in Michigan, addressed the convention. He referred to the fact that he had attempted to vote, but had been refused on account of his



color ; that a movement was set on foot to make suffrage universal in that State, and that he himself took a petition for that purpose to General Cass ; that that wary Democratic statesman had not only refused his signature, but, in response to the inquiry whether he was not in favor of the principle involved, had replied that he was " not at liberty to make any political declarations." There were also present John C. Adams, a young Boston lawyer, who had just published a vigorous pamphlet entitled, " The Northern No," Charles B. Sedgwick, James R. Doolittle of New York, and Samuel Lewis of Ohio, who addressed the convention, and presented in firm and fitting phrase the startling issues of the hour.

A letter from Mr. Van Buren was read by David Dudley Field. Referring to the fact that the convention would be composed of gentlemen who had all their lives been arrayed on different sides in political contests, and concurring in the object for which the convention had assembled, he waived all claims to their support on account of his nomination by the Wilmot proviso Democrats at Utica, and assured them that the nomination of any other person would be entirely satisfactory to him. This letter, so explicit in its avowals and so conciliatory and patriotic in its tone, the action of his New York supporters in the convention, and the conviction that he would draw largely from the ranks of the Democracy, conquered prejudices, and reconciled many to giving a vote that was against all their previous prepossessions and would be obviously open to misconstruction. But, deeply impressed with the desperate condition of public affairs and with the pressing necessities of the nation, they were prepared to make any sacrifices to avert impending dangers and to arrest existing evils. Indeed, the same principles precisely that led them to sunder the ties of party reconciled them to what was most distasteful to large numbers, — not only voting for a man to whom they had been for years politically opposed, but also for one whose course had been specially obnoxious to censure, and who, they felt, had merited the characterization so freely bestowed upon him of being a " Northern man with Southern principles." " Principles, not men," however, had become

their motto; and, when all had more or less to be overlooked in the same direction, they were not disposed to scrutinize too closely even the record of Mr. Van Buren, who seemed to them providentially to occupy a position to forward a cause they had so much at heart. Could they have foreseen his subsequent course, they might have hesitated. But they were prepared to forgive and forget the past, and hope much for the future. Instead, therefore, of that political profligacy which has been so often and so flippantly charged upon his supporters, a vote for Mr. Van Buren under such circumstances often revealed a sublime triumph of earnest convictions over personal prejudice, of faith in principle, and in the power of truth over distrust in man and doubt of human reliability.

Of four hundred and sixty-six votes, Mr. Van Buren received a majority of twenty-two, Mr. Hale receiving one hundred and eighty-one, and there were some forty scattering votes. Mr. Adams being selected as candidate for the Vice-Presidency, the nominations were made unanimous, and Van Buren and Adams were emblazoned on the banners of the new party. Having accomplished the work that had brought them together, these representatives of the friends of freedom separated and returned to their homes, with the rallying cry, given them by Stephen C. Phillips of Massachusetts, on their lips, — “Van Buren and Free Soil; Adams and Liberty!”

In his letter accepting the nomination, Mr. Van Buren fully accepted the platform also. This gave great satisfaction, though many Whigs, who had been greatly dissatisfied with the action of their convention, and had up to that time withheld their support from General Taylor, could not rise above the prejudices of partisanship, but slunk back again within party lines, and finally gave their reluctant vote for the nomination which Mr. Webster had declared “not fit to be made.” Local and mass meetings were held, eloquent speakers entered the canvass, and pen and press were largely called into requisition. The vital issues forced upon the country by the Slave Power were met, grappled with, and presented, as never before, with distinctness of definition, force of enunciation, and unprecedented success. Discordant elements were

fused and blended. Men who had been accustomed to the sharp antagonisms of former political conflicts now found themselves working harmoniously together for a high and common object.

Conventions were held, the Buffalo platform and candidates indorsed, and electoral and State tickets put in nomination. Massachusetts was early in the field. On the 6th of September, the Free Soil State convention met at Boston. It was large in numbers and strong in talent and character. Edward L. Keyes, provisional chairman of the State committee, congratulated it that the North had been discovered by the "voyagers to Buffalo," that at last the north star had appeared in the heavens. "We have come," he said, "at the call of honor and humanity, to offer our devotions at the shrine of Freedom. We have come, like streams, from different fountains; but we come, like Avon and Avoca, to meet and mingle in peace."

Mr. John Mills of Springfield, who had long been one of the honored and trusted leaders of the Democratic party, was made president. A convention of the Liberty party met the same day, which, after a brief consultation, formally dissolved, and its members at once took their seats in the Free Soil convention. This ready abandonment of its old organization by the Liberty party, and its prompt acceptance of the new, drew from Charles Allen the remark, so enthusiastically applauded, that "without tasting death that party has been translated."

The convention sat for two days. Unity and enthusiasm marked the proceedings. Speeches of rare eloquence and power were made by Stephen C. Phillips, John Van Buren, Charles Sumner, Charles Allen, John A. Bolles, John C. Park, and others. At the head of the electoral ticket were placed the honored names of Samuel Hoar and William Jackson. Stephen C. Phillips was nominated for governor, and John Mills for lieutenant-governor. A series of comprehensive resolutions and a long and elaborate address to the people were reported by Mr. Sumner, and unanimously adopted.



A few days afterward, the Free Soil convention of New York assembled at Utica. The spirit of the Buffalo convention pervaded it, and seemed to inspire its deliberations. The principles it enunciated were in harmony with those of that convention, and its speeches were of the same high tone and tenor. It placed at the head of its electoral ticket Robert Emmet, nephew of the great Irish martyr, and General James S. Wadsworth, who afterward fell in the battle of the Wilderness, and who had indignantly declared, when the Wilmot proviso was throttled in the Syracuse convention, that, "though it is too late to do justice to Silas Wright, it is not too late to do justice to his assassins." It nominated for governor General John A. Dix, then United States Senator, afterward Secretary of the Treasury, major-general in the war of the Rebellion, minister to France, and governor of the State; and Seth M. Gates, who had in Congress battled by the side of Adams, Giddings, and Slade, for lieutenant-governor. With such sentiments and such candidates, and with speakers and presses of such commanding ability, the Free Soil party of New York made a most vigorous and brilliant canvass, placed the vote of Mr. Van Buren ahead of that of General Cass, and seemed almost to have annihilated the Democratic part of the Empire State. Who could have then imagined that within one brief year the very men who had made this gallant fight, achieved so much for freedom, and had left such a record, should return to the ranks they had so effectually broken, and, without any guaranties for the security of the principles and purposes they had so earnestly and eloquently advocated and defended, aid by voice and vote in again placing in power the men who were found ready to indorse the wicked compromises of 1850?

The State convention of the party in Ohio, embracing in its ranks so much of character and worth, was inspired by a similar spirit. Led by such men as Chase, Giddings, Root, Lewis, and their compeers, they made a vigorous canvass. Securing the balance of power in the legislature, they were enabled so to control affairs as to sweep the infamous "black laws" from the statute-book, and to place Salmon P. Chase in

the Senate of the United States. Like conventions were held in other free States, organizations effected; and candidates placed in nomination.

A State convention was held in Maryland. Local conventions and smaller meetings were held in Delaware, Virginia, North Carolina, Kentucky, and Missouri. Though few in number, there were in the Border States earnest and fearless men who deplored the evils of slavery, and though surrounded by the most serious difficulties and menacing dangers gave pen, voice, and vote against extending to new regions a system that had so cursed their own. In Missouri an able address was issued to the Democracy of that State, written by Montgomery Blair and signed by several of the citizens of St. Louis. Without considering the humane and religious aspects of the question, they urged the economic arguments derived from the facts that slavery paralyzed industry, degraded labor, and impeded the diffusion of knowledge. Viewing it in these relations, they contended that it was neither honest nor democratic, that it was not just, either to present or future generations, to fasten and entail such a system upon the vast regions held in trust for unborn millions. These moderate and practical views were received with favor, even by many who still clung to the Democratic party, and especially by the Germans of St. Louis.

The new party, with its principles clearly defined and its policy and objects distinctly avowed, went into the contest with strong purpose, unfaltering resolution, and unwavering faith. Under the inspiration of the sacred cause, with leaders of acknowledged ability, eloquence, experience, and tact, it conducted a canvass of unprecedented vigor, and achieved results not to be measured by the number of votes it cast. Though restricted by constitutional obligations which it fully, if reluctantly, acknowledged, it went into the conflict unhampered by any affiliation with a "Southern wing," and pleaded, with unabated breath and without restraint, for the largest rights of humanity and the ultimate emancipation of the nation, though its immediate and proximate purposes were the defeat of slavery extension and the absolute overthrow of the

Slave Power. With no expectation of victory, — indeed, with the certainty of defeat, — more than two hundred and ninety thousand men cast their votes for a principle. Though this new party of freedom secured no electoral vote, and but five members of Congress, “its success,” in the language of Edmund Quincy, “was unprecedented, taking into consideration its brief existence and formidable foes.”



## CHAPTER XIV.

JOHN QUINCY ADAMS. — WILLIAM H. SEWARD. — SALMON P. CHASE.

Death of Mr. Adams. — His earnest advocacy of the right of petition. — Change of views concerning Abolitionism. — Democratic defeat in the State of New York. — Radical utterances of Mr. Seward. — His election to the United States Senate. — Ohio early in the antislavery ranks. — Prominent part taken by Mr. Chase. — Friends of freedom hold the balance of power in the new legislature. — Adroit management. — Repeal of "black laws." — Election of Mr. Chase to United States Senate.

ON the 21st of February, 1848, John Quincy Adams was stricken with apoplexy in his seat in the House of Representatives. He was borne to the Speaker's room, where, two days afterward, the aged statesman died. It was, in his own touching words, his "last of earth," a striking but fitting close of a long and illustrious career. Indeed, had it been left for him to choose the mode of his departure, he could hardly have chosen a death in richer harmony with his life. On the very spot of his grandest triumphs, under the roof that had so often resounded with his ringing words, "the old man eloquent" passed away.

Though Mr. Adams was distinguished above all others in his earnest, persistent, and finally triumphant vindication of the right of petition and freedom of speech, he was not, at least until near the close of life, in hearty accord with Abolitionists, with whom he never affiliated, from whom he often received severe criticisms and censures, and to whom he sometimes applied words indicating little confidence in their plans, if in their purposes, of action. Yet he was a trusted leader in their great fight for freedom of speech, while it was his voice that first enunciated the doctrine — novel to all, and greatly distasteful to slaveholders — of the right of the government, under the war power, to emancipate the slaves ; the

very right on which President Lincoln based the Proclamation of Emancipation.

As, however, he drew near the close of life, his views changed. If his abhorrence of slavery did not increase, his anxiety for the future of his country deepened, and he became more and more cognizant of the machinations of those who seemed determined either to make the government entirely subservient to the behests of the Slave Power or to destroy it. His long participation in public affairs, his intimate relations with public men, his protracted observation of statesmen and their measures, his consummate knowledge of the schemings and the indirect purposes of too many, who, with fair professions, sought merely to promote their own personal and partisan ends, protected him from what deceived others, and prepared him to interpret both the utterances and the silences of those who spoke as loudly and as intelligibly in his ear by the latter as by the former. John Minor Botts, in his history of the rise, progress, and disastrous failure of the great Rebellion, states that the policy and avowed purposes of Mr. Calhoun converted him, and that the open and brazen avowals that the acquisition of Texas was mainly sought to extend and perpetuate slavery made Mr. Adams an Abolitionist. Mr. Botts gives the substance of an interview, after he had expressed sentiments he had not been understood to entertain. "Upon the adjournment of the House," he said, "we walked down together, and I took occasion to refer to his remarks, which I do not now precisely recollect, and said that I thought he did not intend to say all that his language could imply. 'Yes,' he replied, 'I said it deliberately and purposefully.' 'But,' said I, 'Mr. Adams, you are not an Abolitionist.' 'Yes, I am,' said he. 'I never have been one until now; but when I see the Constitution of my country struck down by the South for such purposes as are openly avowed, no alternative is left me. I must oppose them with all the means within my reach. I must fight the Devil with his own fire; and, to do this effectually, I am obliged to co-operate with the Abolition party, who have been hateful to me heretofore. If the South had consulted her true interest, and fol-

lowed your counsel on the Twenty-first Rule and on the Texas question, their institutions would never have been endangered by the North; but, if matters are to take the shape foreshadowed by Mr. Calhoun and others of the Democratic party, then no one can foretell what may be the consequences.' "

Nor did Mr. Adams express his convictions in equivocal and mealy words. In August, 1847, he wrote to Governor Slade of Vermont that the existence of slavery was "a moral pestilence" which "preyed on the human race"; that it was "the great evil now suffered by the race of men,—an evil to be extinguished by the will of man himself and by the operations of that will." He declared his belief, that, "if the will of the free portion of this North American people could be organized for action, the people of the whole American Union would *ipso facto* become free." He avowed himself in favor of an improvement in "the popular education," which, he said, "shall administer to the soul of every male child born within the free portion of these States the principle of that oath which it is said the Carthaginian Hamilcar administered to his son Hannibal with reference to Rome,—eternal, inextinguishable hatred, not to Rome, nor any existing nation, but to slavery throughout the earth."

"The revolution," he said, "to be effected in the North American confederacy, preliminary to the abolition of slavery throughout the earth, is in the will of the portion of the American people already free. They now suffer themselves to be told that slavery is nothing to them, and they sleep in bonds of voluntary servitude. How long they will so sleep it will be of no use for me to inquire. The day of their awakening is reserved for a future age."

Mr. Adams had witnessed for fifteen years the continued aggressions of the Slave Power and its continued successes. No wonder, then, that the venerable statesman looked not to the immediate future, but to a coming age, for that awakening of the people which was to precede and procure that breaking of those "bonds of voluntary servitude" he so much deplored, and of whose speedy rupture he was so hopeless. Indeed, his very hopelessness revealed a deeper insight into the na-



ture, workings, and tenacity of the system than did the more positive and confident utterances and anticipations of those who criticised him for his lack of zeal and want of co-operation. There can be little doubt as to his position, had he lived to see the struggle which at once witnessed and attested that awakening, and which resulted in the destruction of what he so thoroughly deprecated and so evidently understood.

But even while the golden radiance of the great man's departure lingered in the horizon, there was heralded the rising of two ascending luminaries, who were destined to shine in the political firmament with great and signal, if not with the same effulgence, — men who not only trod worthily in the footsteps in which he had walked, but who did not hesitate to go farther in the same path in which he had led the way, to take up and proclaim a more perfect evangel, of which his had been but the forerunner. Just one year from the disappearance of Mr. Adams from the theatre on which he had borne so prominent and important a part were elected to the Senate of the United States William H. Seward of New York and Salmon P. Chase of Ohio. Both were deeply inspired by the spirit of freedom, and had labored earnestly in its behalf. Both were men of large capacity, superior culture, laudable ambition, and tireless industry; and their entrance upon this new and broader sphere of action was welcomed by the anti-slavery men of the nation with high and exciting hopes that they would prove worthy champions of a noble cause. Nor were these hopes doomed to disappointment.

In the election of 1848, the Democratic party of New York had been riven in twain and completely routed. The Whigs had elected all but one of its thirty-four members of Congress. They had secured four fifths of the legislature, and Hamilton Fish had been elected governor by a plurality of one hundred thousand. Mr. Seward had done much to retain the anti-slavery Whigs of that and other Northern States, notwithstanding the rejection of the Wilmot proviso by the national convention. During the presidential canvass he said little of platforms or candidates, but spoke with signal ability in behalf of the Union, equal rights, the diffusion of knowledge, the development of the country, and the abolition of slavery.

During this canvass he addressed a convention in Cleveland, Ohio, and presented the issues growing out of the existence of slavery with singular boldness and distinctness of utterance. At the same time he described with philosophic accuracy and with marvellous force and felicity of language the distinction between the party of freedom and the party of slavery. He declared the antagonistic elements of American society to be freedom and slavery. "Freedom," he said, "is in harmony with our system of government and with the spirit of the age, and is therefore passive and quiescent. Slavery is in conflict with that system, with justice, and with humanity, and is therefore organized, defensive, active, and perpetually aggressive. Freedom insists on the emancipation and elevation of labor; slavery demands soil moistened with tears and blood." Resulting from these elements, the American people were divided, he affirmed, into the party of freedom and the party of slavery. "The party of slavery," he said, "upholds an aristocracy founded on the humiliation of labor as necessary to the existence of a chivalrous republic. The party of freedom maintains universal suffrage, which makes men equal before the laws, as they are in the sight of a common Creator. The party of slavery cherishes ignorance because it is the only security for oppression. The party of liberty demands the diffusion of knowledge because it is the safeguard of republican institutions. The party of slavery declares that institution munificent and approved of God, and therefore inviolable. The party of freedom seeks complete and universal emancipation."

Admitting that the Whig party had fallen from its ancient faith and was comparatively unsound, he claimed that it was the truest and most faithful of the two parties, the one or the other of which must prevail. He gave expression to the pregnant thought that the Whig party was as faithful to the interests of freedom as the "inert conscience" of the American people would permit it to be, and he urged the duty of making it more faithful. "Slavery," he said, "can be limited to its present bounds, it can be ameliorated, it can be and must be abolished; and you and I can and must do it." Maintain-

ing that the strength of slavery did not lie in the Constitution of the United States, nor in the constitutions and laws of the slaveholding States, but in the erroneous sentiments of the American people, he urged the men of Ohio to "inculcate" the "law of freedom and equal rights of man under the paternal roof, and to see to it that they are taught in the schools and in the churches. "Reform your own code," he continued; "extend a cordial welcome to the fugitive who lays his weary limbs at your door, and defend him as you would your paternal gods; correct your own error, that slavery has any constitutional guaranty which may not be released and ought not to be relinquished. Say to slavery, when it shows its 'bond' and demands its 'pound of flesh,' that if it draws one drop of blood its life shall be the forfeit."

These sentiments, thus decided, not to say defiant, were expressed in dignified language, with forensic art and the adroitness of the statesman, who made the manner strengthen and enforce the matter of his discourse. He counselled, too, their inculcation with a spirit of moderation and benevolence, and not of retaliation and fanaticism; and he expressed the belief that by so doing they would bring the friends of the country into an effective aggression upon slavery, and that when the public mind should will its abolition a way would be opened to do it. He urged them not to overlook the attainable in their efforts to secure the unattainable, and to "remember that no human work is done without preparation." "God," he said, "works out his sublimest purposes among men with preparation. There was the voice of one crying in the wilderness, 'Prepare ye the way!' before the Son of man could come. There was a John before there was a Jesus; there was a baptism of water before there was a baptism of the Holy Ghost and of fire." With sentiments like these and with purposes so fully, frankly, and felicitously expressed, he was elected, in February, 1849, with only thirty opposing votes, to represent the imperial State of New York in the Senate of the United States.

Perhaps no State made more vigorous or more successful efforts in the antislavery struggle, or numbered among its



leaders men of greater earnestness, more sterling integrity, and signal ability than Ohio. Receiving among its earliest settlers, especially in its northern and eastern portions, immigrants from New England and those of New England origin, it was largely impregnated with the ideas, general purposes, and modes of thought and feeling, which obtained in the Pilgrim States. There were, too, some of the ablest and purest men in church and state pledged to the avowal and advocacy of the doctrines of human rights, not only as matters of theory, but as the recognized principles of public and private life, as the rules of civil and ecclesiastical action. A legitimate result of these efforts was soon perceived in the social and combined movements—under the lead of such men as Samuel Crothers and John Rankin, Salmon P. Chase and Joshua R. Giddings, James G. Birney and Dr. Bailey, Thomas Morris and Leicester King, Samuel Lewis, and others—to purge the churches of all complicity with slavery, to absolve its political parties from their bondage to the Slave Power, and to purify as much as possible every source of influence in the commonwealth. In the production of these results and for the furtherance of these purposes the “Philanthropist” had been published, Oberlin College established, and the Liberty Party welcomed and vigorously sustained. Conventions were held, antislavery addresses and sermons delivered, societies organized, and Abolition documents scattered far and wide.

In the formation of the Liberty party Mr. Chase had taken an active part. From his pen were issued its platform and address, which have been regarded as the clearest and most discriminating papers of the struggle, upon the constitutional limits, provisions, and obligations concerning slavery and the slave States. This party, basing its action on moral grounds, the pioneer of all subsequent organizations which have been formed for the purpose of resisting slavery by political action, received nowhere else a more enthusiastic support. The non-resistant and non-voting policy found few adherents in Ohio; and the principle of meeting a political evil by political action encountered few who denied its soundness and necessity.

Under these circumstances, and with the fruits of those years of earnest toil, the election of 1848 resulted in a vote of thirty-five thousand for the Free Soil candidate for the Presidency, and in the choice of a legislature in which the friends of freedom held the balance of power. The Senate was equally divided between the Whigs and the Democrats. In the House there were thirty-four Whigs and thirty-four Democrats, and two members elected, in opposition to both parties, as Free-Soilers. Several Democrats and Whigs were elected, however, by the aid of Free Soil votes, or by the union of Free-Soilers with Whigs or Democrats. The legislature, thus chosen, had nearly the whole appointing power of the State. A United States Senator was to be elected, two judges of the Supreme Court were to be chosen, and a large number of less important offices were to be filled. The existence of what were familiarly termed the "black laws" had been made the subject of discussion during the canvass; the Democrats generally defending them, a majority perhaps of the Whigs desiring a modification, and the Free-Soilers demanding their unconditional repeal. Such was the composition of that legislature, and such was the work to be accomplished. It was the purpose of the friends of human rights to use their power in such a manner as would best inure to the interests of freedom. The results amply vindicated the fidelity and sagacity of their course. Without ignoring the overruling hand of Providence in what secured such large results by numbers so insignificant, from means so seemingly inadequate, and in spite of agencies which threatened defeat, instead of triumph, there are revealed in this election and its immediate results striking illustrations of what may be achieved by a brave and persistent adherence to principle and a wise use of even the most inconsiderable means.

Soon after the organization of the legislature, the Free Soil members, including Townsend and Morse, the two independent members, and eleven who had been elected by the union of Free Soil and Whig votes, held a caucus. At that meeting a motion was made that each member should attend all the subsequent meetings of the Free Soil caucus, and pledge himself

to support its decisions in regard to all matters likely to come up for legislative action. The eleven supported the motion ; but the two, recognizing their paramount obligations to use their legislative powers only as fealty to freedom and their constituents demanded, refused to support the motion or to give the pledge. This refusal incensed their associates, who declared them to be no longer members of the Free Soil party of the House.

The meeting broke up without accomplishing the purpose for which it was called, and to the evident discomfiture of the Free Soil Whigs. The two independent members thereupon informed their Whig associates that, if they were not permitted to attend their meetings, they should constitute themselves the Independent Free Soil party of the legislature. This position gave them great power with both parties, and no doubt furnishes the key to the extraordinary results which two men, in a legislative body of one hundred and six members, were enabled to accomplish.

Holding the balance of power, they naturally became objects of solicitude and electioneering effort with both Whigs and Democrats ; the Whigs having the advantage, in that several of their members had been elected by the aid of Free Soil votes. The political objects of special interest and effort at that time were the election of a United States Senator, the proposed action in respect to the "black laws," and the election of judges of the Supreme Court. Of these objects the Democrats were specially solicitous concerning the election of judges, as there existed an impression that the question concerning election districts, in which they were particularly interested, might be brought before them for adjudication ; the Free Soil members making it a condition precedent of their co-operation with any party that the "black laws" should be repealed.

The greatest triumph, however, of that remarkable election was found in the repeal of the "black laws," which disgraced the statute-book of the State, and which had been the objects of the special hostility of antislavery men, though they had found earnest Democratic defenders in the previous canvass.



These laws required the colored people to give bonds for good behavior as a condition of residence, excluded them from the schools, denied them the right of testifying in courts of justice when a white man was party on either side, and subjected them to other unjust and degrading disabilities. As Mr. Chase had been an avowed opposer of these inhuman statutes, they very properly selected him as their adviser, and requested him to draught a proper bill. This he did by preparing one that would secure substantially their object, but at the same time excite as little as possible the hostility of members who had at heart small sympathy with the purpose in view. Aiming to make the most of the favorable conjunction of circumstances, he incorporated into the proposed bill provisions which the most hopeful hardly expected to be enacted. He was sanguine, however, the Free Soil members were resolute, and the circumstances propitious. It was submitted to the examination and criticism of the Democrats, who unexpectedly accepted it and agreed to support it. How much the considerations they were expecting or had exacted from the Free Soil members had to do with their decision, and how much their indignation at the recent election of General Taylor, a Southern slaveholder, over their Democratic candidate, and their consequent relief from the responsibility for a national administration, may never be known. It is sufficient for this purpose to record their assent to its provisions, and its adoption in the House by a large majority. In the Senate it was referred to a committee, who modified it somewhat, and it was then passed. The House concurred, and the bill became a law. Thus, by this wise use of the power their position gave them, was a humane and just law enacted, somewhat, indeed, in advance of the popular sentiment and moral convictions of the people, and yet, being enacted, it was not likely to be reversed, while the very struggle needful to enact it and its presence on the statute-book tended to educate the popular mind and to lift it up to the plane on which it rested. It relieved the colored people from all their most onerous disabilities, gave them entrance into schools, and awakened hopes of the future which have been far more than realized.

No question, however, of all that occupied and agitated public attention at that time excited deeper interest than that of the United States senatorship. The antislavery men were specially anxious to have a representative in the Senate, where the Slave Power had so long wielded an almost unquestioned sway, and where so few voices had ever been raised for freedom. Thomas Morris had spoken ably. In him Ohio had found a voice potential in behalf of human rights. Otherwise she had shared in the general recreancy, and had been either silent or had spoken at the behest of slavery. There was, indeed, John P. Hale, the Abolition Senator from New Hampshire, — strangely as those words sounded, — that long-time stronghold of the Northern slavery-bestrode Democracy. But he was treated with contumely, and maintained his ground only by his talent and tact, by his unfailing wit and his unbounded good-humor.

Most earnestly, therefore, did the antislavery men, not only of Ohio but of the North, desire that advantage should be taken of this fortunate conjunction of affairs to select and send to the Senate some worthy coadjutor of the eloquent representative of the Granite State. The thoughts of many, perhaps most, of the friends of humanity and equal rights were instinctively turned to Joshua R. Giddings, who had for years maintained an unequal contest with the champions of aggression in the lower house of Congress. His incorruptible integrity, his stern and sturdy independence, his unflinching advocacy of the unpopular cause, pointed to him as the proper person to be selected for that high office, not only for the service to be performed, but for the honor richly deserved.

There were four candidates. The Democrats had selected William Allen; the Whigs, Thomas Ewing; and the two Free-Soilers were divided in their choice between Mr. Giddings and Mr. Chase. Mr. Allen was not only proslavery in sentiment, but his views were extreme and violent. Mr. Ewing was of Southern birth, and though not antislavery in his opinions he was opposed to the extension of the peculiar institution. Mr. Giddings was an antislavery Whig. Mr. Chase, though Democratic in principle and sympathy, was not a member of the

Democratic party. He was decidedly antislavery in sentiment and action, and had rendered essential service to the cause of human rights.

In this state of the principal parties, it being understood that the Free Soil members would not give them their votes, it became evident that neither the Whigs nor the Democrats could elect their candidates. Nor could both of the Free Soil members be gratified with the choice of theirs. Some compromise must be effected. The Whigs, in order to defeat the election of the Democratic candidate, and, on the part of the antislavery portion, for the purpose of carrying out their views, were ready to substitute for Mr. Ewing some person of more pronounced antislavery sentiments. The two Free Soil members had agreed that either should vote for the candidate of the other whenever there should be a prospect of his election. The Whigs were ready, and most of them were anxious, with the exception of two members, to vote for Mr. Giddings. As, however, none of the Democrats would vote for him, and as the two recusant members obstinately refused to yield, after three unsuccessful ballotings his name was withdrawn. The Democrats, for the purpose of defeating the Whig candidate, and with the understanding that the Free Soil members would support their candidates for judges of the Supreme Court, having substituted the name of Hon. Rufus P. Spaulding, afterward Republican Representative in Congress, for that of Judge Read, whom they could not consistently support, expressed a willingness to cast their votes for Mr. Chase. By this arrangement he was elected on the fourth ballot. When the vote was announced, an enthusiastic antislavery man in the galleries exclaimed, "Thank God!" to which were many answering responses wherever Mr. Chase was known, not only on account of the service he had already rendered, but for the confident expectation cherished of the large additions of strength and prestige he would bring to the struggling cause on the wider and more conspicuous theatre of the United States Senate.

Many, however, were greatly disappointed that the choice did not fall on Mr. Giddings. Indeed, some of his friends felt



that he had been deprived of a position to which, by his longer and more self-sacrificing service, he was fairly entitled. The cause, however, was evidently the gainer by the decision which was finally reached ; for, from that time onward, freedom had two potent advocates in the councils of the nation, instead of one ; both, too, occupying in their respective spheres positions to which each seemed best adapted, and in which each rendered yeoman's service, for which the slave and the slave's friends should ever hold them in grateful remembrance.

## CHAPTER XV.

### STRUGGLES IN KENTUCKY.

Slaveholding aggressions. — Popular indorsement. — Growing prejudices and increasing severity of the black codes. — Counter movements of antislavery men. — Constitutional convention in Kentucky. — Attempt to secure provisions for freedom in the proposed constitution. — Henry Clay's position. — Public meeting at Lexington. — Convention. — Dr. Breckinridge's speech. — Failure of movement. — Reasons.

THE years intervening between the opening of negotiations for the annexation of Texas in 1843 and the close of the Presidential election in 1852 have no parallel for the intensity, variety, and disastrous results of the slavery struggle. During those years the successful attempt was made to annex the foreign nation of Texas to the United States; the war with Mexico was fought; vast accessions of territory were secured, and the effort to devote them to freedom was made and failed; the Fugitive Slave Law was enacted and mercilessly executed; the misnamed compromise measures proposed by the slave-masters were adopted and accepted as a "finality" by the conventions of the great national parties; while the crowning act of those years of disaster and infamy was the indorsement by the people of this whole series of aggressions by the triumphant election of Franklin Pierce, whose whole public and partisan career had ever been fully and even ostentatiously committed to the purposes and plans of the Slave Power.

While, too, these aggressions were in progress on the wider domain of the nation at large, evidences of the same spirit and purpose were abundant in the States, as if prompted by a common inspiration, as they certainly tended to a common end. Even the attempts made by a few friends of the slave to ameliorate his condition and perhaps inaugurate measures for his ultimate emancipation were made the occasion, if not the

cause, of efforts not only to tighten his chains, but to increase the burdens, already fearful, that bore upon the free colored population, both at the North and the South. Not only were old laws, which had become a dead letter or comparatively inoperative, revived and executed with greater rigor, but new laws were enacted, which can hardly be read even now without a sense of shame and a shudder at their terrible injustice and inhumanity. Especially was this true in the Southern border States, with too many sympathizers and imitators in several of the Northern States; nominally free, though free in little but in name.

These persistent efforts of the propagandists in behalf of slavery could not but fix attention upon it as the cause of all these constant and disturbing movements, while it challenged investigation anew into the merits of a system for which such efforts were made and such sacrifices called for. Especially did this result from the relinquishment by its defenders of the former arguments that slavery was an entailed evil, for which the present generations were not responsible,—a temporary evil, that carried within itself the seeds of its own destruction, and which must soon pass away in the presence and by the workings of free institutions. The new dogmas that slavery was a good, and not an evil; that it was not temporary, but to be permanent; that it was not sectional, but national; and that the Constitution carried it wherever it went, presented the whole subject in a new light. Many felt that it must be re-examined, and that the arguments and considerations that formerly reconciled could satisfy them no longer. These considerations, with the earnest teachings, warnings, and appeals of Abolitionists, reached a few open ears and tender consciences at the South, as evinced by the movements in several of the Border States to improve their legislation in regard to the colored race. Besides, these unblushing demands for new slave States took the question at once from the domain of mere abstractions, theoretical or sentimental, into the realms of the actual, where problems of the most imperative practical importance, involving not merely the well-being but the safety of the nation itself, compelled consideration. The men who



entertained these opinions and purposes were mainly ministers and members of Christian churches, who mostly occupied the western portions of Virginia and North Carolina and the eastern portions of Tennessee and Kentucky, being the more mountainous regions, where slavery had never gained so strong a foothold as in other portions of those States, and in the far South. They were, however, earnest and hopeful, though doomed to disappointment.

In Kentucky the activity was greatest. This was especially apparent in a convention called for a revision of the constitution in 1849. What position slavery should occupy in the new organic law of the State became a question of general and exciting interest, and the conflicting opinions of friends and foes of the system found frequent and forcible utterance from the pulpit and press, in meetings and conventions of the people. The Louisville "Examiner" became a bold and able organ of the radical emancipationists. It pronounced slavery to be "a political and moral deformity," — "a wrong to the whole community, a wrong to republicanism, a wrong to religion." The "Courier," too, of the same city, rebuked the sentiments, often enunciated by the slaveholders, hostile to free labor as "anti-Christian, anti-republican," and as affording the strongest arguments in favor of emancipation.

In February of that year, Mr. Clay addressed a letter on emancipation to Richard Pendell of New Orleans, in which he expressed sentiments at once statesmanlike and Christian, though singularly at war with his subsequent course on the subject. He denounced the doctrine that slavery was a blessing, and urged as an argument that, if it were, whites should be made slaves when blacks could not be obtained. Concerning the argument derived from the alleged inferiority of the African race he said, if that was a legitimate reason for such enslavement, the same principle should apply to individuals, and the "wisest man in the world would have a right to make slaves of all the rest of mankind." For this alleged superiority, he said, we should be grateful, and admit the duties it imposed. "And these," he added, "would require us not to subjugate or deal unjustly with our fellow-men who are less

blessed than we are, but to instruct, to improve, and to enlighten them."

Such were the noble and well-expressed sentiments of the great statesman ; such his unequivocal condemnation of American slavery. Hardly could an avowed Abolitionist have put it more cogently. But what remedy did he propose for this great and indefensible evil ? Something singularly inadequate to the exigencies of the case,—a plan of gradual emancipation and colonization, even the beginning of which must be deferred thirty years. He proposed that all born after the year 1855 or 1860 should be emancipated at the age of twenty-five, on condition that they should be colonized in Africa ; the work of emancipation to be deferred entirely for more than a generation, not one then a slave to be freed, and even those who were to receive the proffered boon to grind in the prison-house of slavery for twenty-five years. To say nothing of the wickedness and inhumanity of such a scheme, was ever anything more impracticable ? Could Mr. Clay have been sincere ? or did he present this strange and inconsequential scheme in deference to what he knew to be the popular sentiment of Kentucky ?

At a public meeting at Lexington, addressed by Mr. Clay and Dr. Robert J. Breckinridge, a series of resolutions were unanimously adopted, declaring hereditary slavery to be contrary to the rights of man, opposed to the fundamental principles of free government, inconsistent with a state of sound morality, hostile to the prosperity of the commonwealth ; that it should not be made perpetual ; and that steps should be taken at the convention to ameliorate slavery by a system of practicable measures, just to the master and beneficial to the slave.

A convention was held, at which were represented twenty-six counties by one hundred and sixty members, representing all sects, parties, and professions. A large proportion were slaveholders. It presented no plan of emancipation, but suggested that an effort should be made to secure an article in the constitution empowering the people to effect emancipation when a majority could be secured in its favor. In this con-

vention Dr. Breckinridge, a leading clergyman of the Presbyterian Church, made a strong presentation of the claims of freedom and of his estimate of the evils of slavery. Being asked if he would "sacrifice his political principles to carry emancipation," he gave the prompt and unequivocal reply, "I can and I will"; and in his reply he gave the following *résumé* of some of the items of the fearful price those individuals and the nation were paying, who, for political considerations, were willing to vote for slavery or for those parties who took slavery under their protection and made its conservation a part of their platform. "What! am I expected," he said, "to sacrifice to my political feelings and party the personal freedom of two hundred thousand of my fellow-beings and their countless posterity forever, their right to the free use of their own bodies and their own souls, their right to the use of the proceeds of their labor and the sweat of their brows, and the right of teaching and being taught God's Holy Word? What kind of a state of society would that be, Mr. President, in which stealing was authorized by law, in which the marriage relation was abolished by law, in which no man had any wife in particular and no woman had any husband in particular, when universal concubinage prevailed, and no child knew his own father and no father knew his own child? *It would be a hell upon earth.* THAT, SIR, IS NEGRO SLAVERY." This language of a Southern man, son of the Attorney-General of Mr. Jefferson's administration, tells its own story. The most radical Abolitionist and the most extravagant antislavery utterance needed no stronger indorsement. As might have been expected, that man was loyal during the slaveholders' rebellion, became a prominent member of the Republican party, and presided over the convention that nominated Abraham Lincoln for the second term.

Large liberty of speech was allowed, and for the time even the most decided antislavery utterances were tolerated; so much so that John G. Fee, who has, before and since, felt the power of slaveholding hate, declared that "a pure and whole gospel can be preached here."

But the hopes excited by this freedom of debate were disap-



pointed by the canvass made for delegates. In that were revealed not only the strength and violent purpose of the opposers of freedom, but the general proslavery sentiment of the State, even among the churches, from whom the friends of liberty had expected sympathy and support. It showed that this language of a president of a Southern college, in the General Conference of the Methodist Church South, was none too sweeping or too severe: "I do not hesitate to say that the controlling influence in that organization is decidedly, unblushingly, and I may add exultingly, proslavery in its character." As the result of that canvass, only one friend of emancipation was chosen to the constitutional convention, although more than thirty thousand votes were given. Instead of adopting any plan of emancipation, however gradual, the convention, under the lead of Garret Davis, and Archibald Dixon who afterward moved in Congress the repeal of the Missouri compromise, adopted in the new constitution a provision declaring that "the right of property is before and higher than any constitutional sanction, and the right of the owners of a slave to such slave and its increase is the same and as inviolable as the right of the owner of any property whatever."

Why results so inadequate and unexpected rewarded labors so earnest and hopeful, and why what seemed but the dawning of a brighter day became in reality but the twilight of a darker night, may not be fully comprehended. These, however, seem to be the facts of the case: Slavery had done its work so thoroughly in the State, so completely had its influence corrupted the popular mind and heart in church and state, largely controlling both the pulpit and the press, that the per centum of its inhabitants who were prepared to appreciate and yield to the higher and more humane considerations of reason and conscience, justice and humanity, social reform and political economy, had become really very small. Slavery was stronger than even its friends believed it to be. And thus it happened that even the efforts of the friends of freedom not only revealed that fact, but tended rather to increase and intensify it. They stimulated the proslavery leaders to redouble their efforts, as it afforded them arguments to induce all not commit-

ted to the other side to range themselves under their banners. With untiring and unscrupulous persistence they approached all classes and urged all motives that promised aid. Especially earnest were their appeals to the prejudices and groundless apprehensions of the non-slaveholding whites, who were made to believe that "to emancipate the black man was to enslave the white man." In both the canvass and convention, the rivalry of parties was made to play an important part; the Democrats and Whigs leaving none to doubt their purpose to conciliate and gain the confidence of the Slave Power by concessions and proffered devotion to its interests. Such Whigs as Davis and Dixon made no concealment of their determination to convince the slave-masters that their interests were as safe in the hands of the Whig as of the Democratic party. The history of the other Border States was substantially the same, revealing the same general characteristics and like consequent results; though in no State were cause and effect more marked and intensified than in Kentucky. However explained, none of the border slaveholding States ever exhibited or continued to exhibit, even after emancipation, more of proslavery intolerance and perverseness; in none did the friends of freedom, and of the Union, also, find less sympathy, or meet with more determined and persistent opposition.

## CHAPTER XVI.

### BLACK LAWS.

Indifference to human rights. — Inhuman legislation. — In Virginia, Delaware, Maryland, and Missouri. — Constitutional convention in Indiana. — Prominent members. — Southern influence preponderates. — Active canvass of the State. — Mr. Colfax. — Similar legislation in Illinois, Iowa, New Mexico, California, Utah, Oregon. — Slave Power described.

THE slave system in nothing exhibited its callous and calculating insensibility, its utter obliviousness of justice and humanity, its reckless disregard of the commonest principles of social comity and fair dealing, more than in its treatment of free people of color. It exhibited greater cruelty to the slave, and the burden of absolute chattelhood was harder to bear; but it is difficult to imagine anything more heartless and unprincipled than the utter indifference that characterized its treatment of the men and women of African descent. Had the Decalogue never been written, the claim of the moral law could not have been more completely ignored. It doomed a race, and culture and character furnished no protection. Its degrading influences were everywhere felt, and the lines of latitude and longitude afforded no limits to its unjust and insulting discrimination. All this is but too painfully apparent from a reference to the inhuman and cold-blooded laws enacted in the Border States, both North and South.

There were in 1847 in the State of Virginia several thousand free negroes. Though they were denied many of the essential rights of citizenship, they were a quiet and law-abiding people. Still they were objects of slaveholding distrust, their presence was regarded as inimical to the interests of slavery, and during that year laws were enacted against their remaining in the State. In the revised constitution of 1851 it was provided that slaves thereafter emancipated, if they re-



mained in the State more than twelve months, should forfeit their freedom, and be reduced to slavery under such regulations as might be prescribed by law. It provided, also, that the legislature should not have power to emancipate any slave, or the descendant of any slave; that it might impose such restrictions and conditions as were deemed proper on the power of slaveholders to emancipate their slaves; and that it also be empowered to pass any needful laws for the relief of the State of its free negro population, by removal or otherwise. So earnest were its inhabitants to effect this latter object, that only two years later a board of colonization for such removal was established, and a tax was levied on all male free negroes between the ages of twenty-one and fifty-five to defray the expenses of such colonization. More than a quarter of a century before, it had prohibited meetings or schools for teaching free negroes; had passed laws against the preaching of slaves and free negroes; and as early as 1838 it had forbidden free persons of color to leave the State for the purposes of education, except on the forfeiture of all right to return. In 1847 it re-enacted that white persons should be punished for instructing slaves. It also made it the duty of postmasters to give notice to justices of the peace of the presence of antislavery publications, such as they might deem incendiary; and these latter officials were required to burn the offensive matter and punish those to whom it had been sent. Two years later still, a law was passed by the same legislature denying citizenship to free colored men.

The same illiberal policy prevailed in Maryland. In 1846 it denied to colored persons the right to testify in cases in which any white person was concerned, although as far back as 1809 it had admitted the testimony of slaves against free negroes. By the new constitution of 1851, the legislature was forbidden to pass any law abolishing the relation of master and slave; but ample powers were given for the government, regulation, and disposition of the free colored population of the State. But while, on the one hand, it was thus hampering the exercise of any movement in favor of emancipation, it was, on the other, departing from its past policy concerning the slave traf-

fic by abolishing all restrictions and throwing wide open the doors for the unlimited introduction of slaves.

In Delaware slavery existed in its mildest forms, and the rule of the Slave Power was less rigorous than in that of any other slaveholding State. And yet its legislation bore the marks and breathed the spirit of the same inhuman and unjust discrimination against the free colored man. In 1851, it prohibited the emigration of free negroes to any State except Maryland. In the same year it enacted that free negroes should not attend camp-meetings or any political gatherings. In 1852 it provided that no free negro should have the right to vote, or "to enjoy any other rights of a freeman other than to hold property, or to obtain redress in law for any injury to his or her personal property."

When Missouri was admitted into the Union, her constitution empowered the legislature to prevent free negroes from either entering or settling in the State. But a fundamental condition of her admission was that this provision should never be so construed as to authorize the passage of any law excluding the citizens of any State from such privileges and immunities as such citizens should be entitled to under the Constitution. And yet, in spite of this solemn provision and condition, it proceeded to enact most barbarous and revolting statutes. In 1847 it forbade the immigration into the State of any free colored person; enacted that no person should keep a school for the instruction of negroes in reading and writing; forbade any religious meetings of negroes, unless a justice of the peace or constable were present; and declared that schools and religious meetings were "unlawful assemblages."

Nor was this inhuman and unjust legislation confined to the slave States. In many of the so-called free States it was hardly less unpardonable and unendurable. It seemed as if the whole country was under an eclipse; and, though it was total only at the South, its dark penumbra rested over all the North. Thus Indiana, in a constitutional convention held in 1851, passed through a similar ordeal, in which the friends of freedom found themselves in a hopeless minority, while the



enemies of the black man were successful in securing, both in the convention and afterward in the State, the adoption of provisions unjust, inhuman, and disgraceful in the extreme. The convention assembled in October, 1850, and consisted of one hundred and fifty members. The body contained the leading and representative men of both the Whig and the Democratic parties of the State, the latter constituting two thirds of the convention. Among the leading Democrats were John Pettit, who had been a member of the lower house of Congress, and afterward Senator, — a man of acknowledged ability, but one who distinguished himself for his intense proslavery doctrines, put forth in vigorous but often coarse and violent language; Robert Dale Owen, a scholarly gentleman, since a member of Congress and of the Republican party, — an earnest supporter of the war, and author of several contributions to spiritualistic literature; and Thomas A. Hendricks, who was afterward elected to the Senate of the United States, was governor of the State, and became a leading member of his party. Among the Whigs were Schuyler Colfax, — then a young and rising statesman, who has since filled a large space in the political history of his State and nation, being almost continuously in public life, three times Speaker of the House of Representatives, and Vice-President of the United States, — McKee, Dunn, March, and several others, who took an active part in the proceedings of the convention.

The southern portion of Indiana had been largely settled by emigrants from the Southern States, who, though compelled to leave slavery behind, carried with them slaveholding prejudices that constituted a bond of sympathy between the State of their adoption and the States they had left. This, in conjunction with that tidal wave of slaveholding aggressiveness and intolerance which had swept over the country, bearing even Congress itself from its moorings, as indicated by the passage of the compromise measures, and making its influences felt everywhere, became largely apparent in the convention; securing the adoption of provisions in the constitution proposed hardly less censurable and disgraceful than those in the constitutions of the Southern States themselves. Indeed, one of the



severest struggles in the convention was on a proposition to prohibit negroes and mulattoes from coming into the State, and to fine all persons who employed or encouraged them five hundred dollars for each offence. Although this inhuman and unjust provision was adopted by a large majority, it was not without a strenuous and stern resistance from a determined minority, among whom were Colfax, Dunn, Niles, Biddle, Hawkins, Kilgore, and others. They denounced it in no measured terms as a disgrace to a professedly free State; as an inhumanity from which even barbarism itself would shrink; as a dishonor that Mohammedans in notable instances of fleeing fugitives had refused to be guilty of; and as punishing with fine and confiscation the very conduct which the Saviour had commended in the parable of the Good Samaritan.

But all arguments and appeals were in vain. The disgraceful proposition was carried by a large majority, and, being submitted to the people for a separate vote, proved to be the most popular proposition of the constitution, and received more than ninety thousand majority; so envenomed and unrelenting seemed the popular hate of the black man, so oblivious were the people of human rights, so impervious to the claims of justice, humanity, and the law of God. This appeared not only in the strong vote for the adoption of this article, but in subsequent legislation, designed not simply to enforce it, but to still more oppress, hamper the movements, and limit the privileges of the free colored population. Among these acts were those forbidding marriages between white persons and those "possessed of one eighth or more of negro blood"; providing for their colonization in Africa; annulling contracts with them; requiring registry; punishing as a crime any act of a white man encouraging such to come into the State; and in all cases where white persons were interested parties prohibiting the evidence of persons having one eighth or more of negro blood.

But the public men who contended in the convention against such legislation as wrong and subversive of the purposes of free institutions were compelled to encounter at the hustings and at the polls the same determined and acrimo-

nious opposition. Among the examples was that of Mr. Colfax, who was nominated for Congress by the Whigs of his district. The election taking place at the same time with the vote on the constitution, he was compelled to meet his opponent in the canvass and to define his position. While his competitor defended the action of the convention, Mr. Colfax was equally decided in his opposition. "These," he said, "are my conscientious convictions. If you ask me to sacrifice them for a seat in Congress, I tell you frankly I cannot do it. I would not act counter to my convictions of duty if you could give me fifty terms in Congress." He was defeated, though he succeeded at the next election.

These laws were rigorously enforced, — at least, in portions of the State. Even as late as the summer of 1863, Henry Goings, a colored man, was prosecuted and fined for coming into the State, as also John Bixler, a farmer, for employing him in his harvest-field. Even then, while the country was bending under the burden of a war that slavery had provoked, and Indiana had its tens of thousands of soldiers in the field, enduring its hardships and encountering its hazards, the State, through one of its officials, was guilty of the unspeakable meanness of arresting, arraigning, and amercing by fine a man sent into its borders by a general of the army. This colored man was one of the many refugees sent down the Cumberland and Tennessee Rivers by General Rosecrans, with orders that they be taken across the Ohio. His liberation and transfer to a free State became in this manner one of the incidental fruits of the war for the Union, but it revealed the astounding solecism of a State punishing a man for entering its limits who was sent there as one of the trophies of the victories its own soldiers were winning. An appeal was taken from the justice court to a higher tribunal, where he was ably defended by A. L. Robinson of Evansville, an able antislavery lawyer, who had been the Free Soil candidate for governor in 1852. Goings was acquitted, but it was on the ground that he was a Cherokee Indian, so that even his acquittal and the alleged reason therefor betokened the strangely inconsistent and indefensible attitude the nation

was exhibiting. Goings was acquitted and allowed the poor boon of staying on Indiana soil, not because he was a man, not because it was wrong to restrain him of his liberty, but because he was an Indian.

Illinois, like Indiana, had been largely settled from the slave States. Many of its early settlers were in favor of making the new State of their adoption the home of the same system of servitude that had so deeply cursed the old States they had left behind; while others, opposed to that, were in favor of laws that would bar the colored man from the State or keep him in a degraded condition in it. And such, indeed, was much of the special legislation of Illinois upon the subject.

The spirit of caste, that ostracized the colored population in society and discriminated against it even in the sacred precincts of the church, pervaded the legislature and increased rather than modified the rigors of its legislation. Thus, as late as 1853 she enacted a new law making it a misdemeanor for a free colored person to come into the State with the intention of residing there, and enacted that such persons might be prosecuted, fined, and sold for a time, to pay the fine and costs. It forbade, too, the entrance of slaves, though it meanly provided that the owners of slaves might take them *in transitu* through the State. In 1851, Iowa also prohibited such immigration, and enacted that free colored persons should not give testimony in cases in which a white man was a party. In like manner and with similar intent was the legislation of other States and Territories. In 1849, Oregon enacted that negroes should not be admitted as settlers or inhabitants. New Mexico passed an act, in 1851, recognizing and establishing peonage. Utah provided, in 1852, that persons coming into that Territory, bringing slaves, should be entitled to their services. In 1852, California enacted that slaves which had been brought into that State when a Territory might be held as slaves and taken out of it; indeed, that the provisions of the Fugitive Slave Act might be applied to them, that they might be arrested, and, when arrested, might be denied the privilege of testifying in their own behalf.

In the presence of results like these, a record so dark and



indefensible, involving inconsistencies so flagrant, and recency to principle so marked, reflecting men could not but ask for some adequate cause ; for they saw, as never before, that there must be some malignant and potent agency at work, that could accomplish such results and give such a character to the nation's history. They called it the Slave Power. Though it had no "local habitation," it had a "name" that was a growing terror and alarm. They saw that there existed a commanding power in the land, which made its influence everywhere felt, by which all other influences were greatly modified, and before which all other interests were compelled in greater or less degree to bend. It was as if *somewhere* some imperious autocrat or secret conclave held court or council, in which slavery's every interest, necessity, and demand were considered and cared for, and from which were issued its stern and inexorable decrees. Committed to ready servitors, these decrees were executed with fearful fidelity, and at any cost, sacrifice, or hazard. As if endowed with a kind of omniscience, or served by agents always and everywhere watchful, it seemed fully to comprehend whatever was needful for its purposes. As if conscious, too, of its essential vileness, and of the weakness which wickedness begets, it seemed always on the alert, lest some one should inflict injury, and it should suffer detriment from those forces of nature and Providence, of matter and mind, against which it seemed to be forever conscious of being at war. It snuffed danger from afar, and was eagle-eyed to detect whatever threatened injury or promised help. If it did not say, with Milton's fiend, —

"All good to me is lost ;  
Evil, be thou my good,"

it did seem to be oblivious of all distinctions of right and wrong, and indifferent to the moral character of any measure its necessities required. With vast resources at its command, with no scruples of conscience, and with none of the ordinary sensibilities of humanity, it sought to subordinate and subsidize everything to its behests. Patriotism, philanthropy, and piety were things of naught if they questioned its

supremacy and came in competition or conflict with its exacting demands. It entered the conventions of parties and the councils of leaders, and dictated both the men and the measures they were allowed to support. It lorded it with almost unquestioned authority in the halls of legislation, while judges and juries, with hardly a show of independence, consulted its decrees in the opinions they gave and the verdicts they rendered. It forced its hateful presence into religious assemblies, and took its seat in the associations of churches and at the boards of missions. Editors wrote and clergymen preached in fear of its powers, and with no attempt to conceal their anxiety to propitiate its favor. It entered the precincts of learning, and, in the presence of all that is pure in science, profound in philosophy, and sacred in theology, surrounded, too, by the teachings of the ages, it proclaimed its great, gigantic lie, and subjected the teachers of those schools to the humiliating vassalage of accepting and advocating its unfounded pretensions.

Nor was its power exhausted on leaders. Its spirit permeated the masses. The people learned its sophistries and joined with alacrity in carrying out its hateful purposes. Men who never saw a slave lent their ready aid to keep him in chains, and, as if moved by a common inspiration, they joined in unreasoning hostility against all efforts to ameliorate his condition or secure his emancipation. Such was the Slave Power of America.

## CHAPTER XVII.

### SLAVERY DEBATES OF THE XXX<sup>TH</sup> CONGRESS.—SOUTHERN CAUCUS.

New aspect of the slavery issue presented by the Mexican war. — Speeches by Southern members, Clingman, Stephens. — Proslavery views of Northern members, Thompson, Brown. — Effective speech of McDowell. — Caucus of Southern members. — Address. — Position of Northern members. — Eloquent speeches by Palfrey, Abraham Lincoln, Horace Mann, and James Wilson.

THE Mexican war and its proposed result — the acquisition of territory to strengthen and extend the system of slavery — was a marked era in the history of the Slave Power. It inaugurated and gave the national indorsement to the new purpose of slavery extension. No longer content with the theory of simple conservation, for which they had hitherto so successfully and too logically pleaded the compromises of the Constitution, the slave-masters had succeeded in dragooning the government into the practical adoption of an entirely different, more dangerous, and more disgraceful policy. If it had not formally adopted Mr. Calhoun's newly discovered or newly invented theory, that the Constitution carried slavery wherever it went, it revealed the alarming fact that the nation was on the high-road to such a conclusion. This war was not only an outrage upon Mexico, upon every principle of humanity and moral rectitude, but it was a public proclamation by the slaveholding oligarchy that it was its determination to commit the nation, unequivocally and irreparably, to its purposes and plans. There were not a few who comprehended the drift of things, and who took alarm, not so much at the extravagance of these claims as at the growing disposition of the nation to yield to them. Consequently the subject of slavery in the abstract was a topic of frequent discussion in the XXXth Congress. Its sinfulness, its wrongs, its deleterious influences, its power over the government and the people, were



perhaps more fully discussed in that than in any previous Congress.

Early in the first session, Mr. Clingman of North Carolina led off in a speech on both the moral and the political aspects of slavery. He had been somewhat distinguished for his moderation and candor. He had resisted the action of the South on the right of petition, as also the extreme views of nullification propounded by Mr. Calhoun and his followers. But his speech, which was very long, eloquent, and evidently well considered, showed him to be not only an advocate of slavery, and deeply imbittered against the Abolitionists, but fully impressed with the conviction of the inferiority of the negro race. He went largely into the history of slavery; contended that it was a normal, providential, and wisely arranged condition of the inferior races; and he revealed the fact, too, that even his moderation and defence of the right of petition had been mainly strategical, because he admitted that, by denying the right, they were preserving a rule which was of "no practical use in itself, so that we were losing ground," he said, "and the Abolitionists gaining thereby."

The Southern Whigs found, too, a voice for the expression of their views in that of Alexander H. Stephens, who spoke near the close of the first session. Though his speech was brief, it presented, in vigorous language and compact form, the sentiments of those who, equally committed to slavery, were not quite prepared to adopt the extreme and violent course marked out by the administration. Its particular theme was the "Compromise bill," though he proposed to confine himself to the simple organization of Territorial governments in New Mexico and California. The speech embraced and elaborated the following propositions: the reference of the whole subject of slavery in those Territories to the judiciary; the fact that the Constitution protected slavery wherever it existed, but could not establish it where it did not exist; these territories being acquired from Mexico by conquest, all Mexican laws existing at the time of the conquest not incompatible with the Constitution of the United States, and not abrogated by the treaty, were still in force; as slavery did not exist there

by Mexican law at the time of the conquest, the Supreme Court could not be expected to decide otherwise than that slavery did not so exist; therefore it was no compromise, but a surrender of Southern interests and rights, to leave the matter as thus proposed. It was a remarkable and providential fact, that so earnest an advocate of slavery as Mr. Stephens was then, and has ever proved himself to be, should have taken that view of the probable action of the Supreme Court. As that court was constituted, it was too evident that the interests of the slaveholders would have been safe in its hands.

During the next session he made another speech, insisting with new arguments against the injustice involved in the threatened acquisition of territory. Alluding to the violent discussions which had taken place upon the pending issues, he said they were all dwarfed by "the greater and graver question of sanctioning the outrages and aggressions upon the Constitution by which the acquisition of these Territories is to be consummated. . . . The safeguards thrown around our institutions by the Constitution will be swept away. The instrument will be defunct. It will be a dead letter. It may preserve its form for a time, and the government, as a huge, inanimate monster, may also preserve its form for a time; but, he predicted, "its life, its spirit, its soul," — that principle that looks toward and longs for immortality, — will be gone." There was no language too strong to express his disapprobation of the proposed policy, which he described as "the lowest, the meanest, the most corrupting, the most despicable," and based on "the plea of the cheat, the knave, the thief, the highwayman, the brigand, and the lawless of every grade and character." Strengthening the affirmation by putting it in the form of a question, he challenged its defenders to show how they differed from the "detested pirate" who scours the seas. "If I believed," he said, "that all the extravagant stories we hear of the mines of California were true, — which I do not, — it would make no difference with me. If her soil were lined with gold, if it stood out in solid mountain piles, as high as her own Sierra Nevada, I should spurn the degrading temptation." He warned his Southern brethren

of the danger of partaking of what Mr. Calhoun himself had characterized as "forbidden fruit." He also referred to the imperfect treaty, concerning which, he said, there was "a clear misunderstanding between the parties" to it, as another reason for hesitation. He spoke of "the dying agonies of the administration" of Mr. Polk, and of his unwillingness to add a single "unnecessary pang."

On the 25th of January, Richard W. Thompson of Indiana addressed the House in a speech in which he represented "the conservatism and conciliatory" spirit of the Northern Whigs, though he expected, he said, the opposition of "the *ultra* men, both North and South." He defined his position by commenting upon the preamble and resolution of Mr. Gott to prohibit the slave-trade in the District of Columbia. The three points he specially condemned were the assertions in the preamble that the traffic was "contrary to natural justice and the fundamental principles of our political system"; that it was "notoriously a reproach to our country throughout Christendom"; and that it was "a serious hindrance to the progress of republican liberty throughout the world." These seemingly obvious positions he questioned, elaborating his denials at great length. He attempted to prove that John Quincy Adams was opposed to the policy of the resolution. "As the acknowledged leader," he said, "of the party advocating the right of petition, he was enabled to exercise a most potent influence in staying the progress of fanaticism on the subject of slavery in the District and in the States. He did stay its progress, although it required the strength of a giant to arrest it. He put forth his arm and said to it, Thus far shalt thou go, and no farther. He rebuked the incendiary spirit which would have sundered every link in the beautiful cycle of our Union; and its possessors, both in the North and in the South, shrank back before his lofty patriotism and scathing eloquence."

On the 3d of February, Charles Brown of Pennsylvania made an extreme and bitter proslavery speech, entitled "A Reply to Mr. Thompson." He began by saying that for the twenty years of his active political life he had always voted "against this whole Abolition agitation, — against every prop-



osition calculated to interfere with the subject of slavery here or elsewhere." One of the points he sought to make against Mr. Thompson was his estimate of Mr. Adams's influence upon the slavery agitation. He contended, on the contrary, that "the old man eloquent" had given "his powerful aid to roll on, no matter who might be crushed by it, the ball of Abolition agitation." Asserting that the agitation was leading them "onward and downward," and that no one could predict where it would "end," he criticised very sharply a recent speech of Horace Mann, in which the latter had spoken of the "bowie-knife style of civilization" as obtaining at the South. But he sought to parry the charge by referring to the crimes which had been perpetrated in Massachusetts; and he asked what would be thought of the candor of a man who should hold them up as fair examples of the state of society in that small commonwealth. He opposed all such crimination and recrimination, and avowed that "the surest way of removing this unhappy state of feeling" was to vote down every proposition for agitation. He characterized "all attempts to raise the negro, politically or socially, to an equality with the white man" as "incendiary in their character and insulting to the South." Affirming that he knew of no "Southern encroachments," and alluding to the possible contingency of a civil war between the North and South, growing out of the continued aggressions of the former, he said: "I fear I would be on the side — I do not fear, but I know — I would be on the side of justice and right; and I mean by that that I would be with the South."

The remainder of the speech, which ran through the most of two days, was made up of equal parts of disparaging remarks against the slave and of laudation of his master, of severe oburgations against the "fanatical crusaders, who go forth, as of old, under the peaceful banner of the Cross, and with the specious object of doing God's service, to desolate and destroy a nation," and of gloomy presages of what must be the result if their purposes should be carried out.

In a very different strain was the speech made by Mr. McDowell of Virginia, near the close of the session. Leaving the

ordinary track of Southern denunciation and menace, he resorted to the far more effective method of earnest entreaty and tender appeal. A graceful and impressive speaker, he held, by the testimony of all who heard him, the house spell-bound for nearly two hours by his subtle logic, his specious pleas, and his brilliant rhetoric, but much more by his passionate allusions to the memories of the past, the claims of the present, veneration for the dead, and the demands of patriotism for the living. Indeed, it may well be doubted whether that or any previous session of Congress ever afforded a more marked illustration of that peculiar trial of faith, feeling, and principle to which the really wise and conscientious of those days were so often and so cruelly subjected by the shrewd and politic defenders of slavery and its claims; when to be true to the claims of humanity was, if possible, made to appear to be false to the pledges of the Constitution, recreant to the memories of the fathers, and indifferent to the safety of the Union; so that, in the parlance of those times, to be known as a liberty-loving man was to cast distrust on one's loyalty and love of country. On the other hand, to be known as a "Union-saving" man was tantamount to a confession or claim that one was not an Abolitionist.

This confusion of ideas, this false position in which the conflict placed men, were skilfully employed and appealed to by Mr. McDowell. Alluding to the gloom and danger which surrounded the nation, he passionately exclaimed: "What of all these objections, and all others which can be added to them, and the worst of them,—what are they all, when gathered together and piled up to their topmost aggregate, Pelion upon Ossa, but the small dust of the balance, when weighed against—what it may fairly hope to accomplish—the pacification and perpetual union of more than twenty millions of free-men? . . . . Our ears must be heavy, and our hearts hard, beyond the ordinary lot of our kind, unless we hear and feel the voice of our motherland, coming up over all other voices, and calling upon each one of us, in soft and thrilling tones: 'My son, my son, be true to thy trust! Be true to me!'"

Quoting the language of Washington, that the government

was founded "in a spirit of amity and mutual deference and concession," he enlarged upon the necessity and the claims of "compromise." Pathetically alluding to the inferiority of the South in numbers, and to the fact that they had no other refuge but the Constitution, he avowed his determination to cling to that as the last refuge. He appealed to the magnanimity of the nation, as they remembered the sacrifices thus early made for the sake of union. "What State, for instance," he inquired, "ever sacrificed as Virginia sacrificed in constituting the coequality of the States?" The most powerful in population, in wealth, in physical respectability, in prospective growth and political power, "she surrendered," he said, "these great advantages, generously and without a murmur, that she might co-operate with her sister States in building up a permanent, and, as far as possible, a perfect constitutional safeguard for the protection of the defenceless and the weak." He dwelt at great length upon the impolicy of the "non-extension" of slavery, contending that it was alike inoperative as a remedy for the evils of slavery or a diminution of the numbers of its victims. "Not a solitary human being," he said most gratuitously, "has been made a slave by 'extension' who would not have been one had such extension never taken place." Sketching with great rhetorical force and skill the results, the fearful consequences of repression, he exclaimed: "Light up, if you can, the warfare and the spirit of another Peter the Hermit, and in this case, as in that, you will be rewarded with desolation and a tomb." He then entered largely into a disquisition upon the personal qualities and providential mission of the slaves upon this continent, the final cause lying either in the doom pronounced on Canaan or "in some high and renovating function which the American slave is yet to fulfil in the redemption of the continent from which he came." He counselled, however, that the nation "should not lay an impatient or unbidden hand" for the sake of controlling it or diverting it from the Divine purpose, whatever it might have been.

In the closing paragraphs of his speech he referred more particularly to Virginia and Massachusetts as "the represen-



tative colonies of our early history, to the courteous colonists of Jamestown," and to "the persecuted and precious people," "the stern, solemn, self-denying Pilgrim, almost ascetic Pilgrim of Plymouth," whose spirit "*could* not mingle with and that *would* not be controlled by the corruptions of earth," and he counselled them not to sunder ties so sacredly born. "Spare, O, spare us," he said, "the curse of a broken brotherhood, of a ruined, ruined, ruined country. Remember there are no groans like the groans of expiring Liberty; no convulsions like those which her dying agonies extort. It took Rome some three hundred years to die. With a far deeper vitality than hers, our end, when it comes, will come with a far keener, crueller, and bitterer pang."

Among other means employed by the slaveholding extremists during the second session of the XXXth Congress to "fire the Southern heart" and unify Southern support, was a meeting of its members to consider and take such action as in their judgment the interests of slavery required. Embracing both parties, it soon revealed the existence of very dissimilar and discordant sentiments among its members. Though agreed, in the main, in the end desired, they differed widely as to the means proposed. Slaveholding Whigs, rightly dreading the effect of the violent measures proposed by the Democrats, under the lead of Mr. Calhoun, upon their party ascendancy, led off in strong opposition. Mr. Clayton and Mr. Berrien counselled moderation, and denied the necessity of measures which must precipitate division in their party ranks, if it extended no further. On the other hand, Mr. Calhoun, Jefferson Davis, and others, urged the necessity of decided and strenuous measures. Failing to agree, they adjourned, without fixing upon a day for another meeting. Such a meeting was called, however, a week later, though not so largely attended. During its session two addresses were presented, — the one prepared by Mr. Calhoun, and the other by Mr. Berrien. The former, however, received the indorsement of the meeting. It was entitled "An Address of Southern Delegates to their Constituents." It was an able and adroit piece of special pleading, entirely uncandid, one-sided, and intensely

sectional. With a singular, not to say monomaniacal, obliviousness of historical facts, it assumed the tone of injured innocence, piteously recounting its list of Northern aggressions. Ignoring the too patent facts that these aggressions had all been on the other side, and that the North had been only too willing to bow the neck to Southern domination, it went largely and elaborately into an enumeration and description of the classes of grievances of which the South complained.

Among them were those that resulted from a failure of the North to carry out the provisions of the fugitive-slave law of 1793, although the worst that could be said was that it did not always rush with alacrity to the help of the slave-hunter when in search of his prey; a refusal, it is to be remembered, in strict accord with the decision of the Supreme Court that States, as such, should not act in such a service. Another class of grievances was exemplified by the antislavery agitation that then existed at the North. The Missouri compromise and the resistance to slavery extension connected with it were cited as indicating the third class of grievances of which complaint was made, ignoring the fact that that compromise was regarded as a Southern triumph. The Wilmot proviso indicated another class of aggressions, though its gist was simply the purpose to prevent the introduction of slavery into territory recently acquired and then free. Allusion was also made to a then recent vote in the House on a motion that a bill be reported for the abolition of the slave-trade in the District of Columbia. Such were the serious grievances and aggressions which constituted the burden of this formal arraignment of the North, the *gravamen* of its charge. Indeed, the whole paper seems rather the ravings of lunacy than the well-considered utterances of earnest and honest minds, and shows that there were no aggressions of which the South had reason to complain; for in this very paper, drawn up by the great leader himself, no facts appear that give color for a moment to the charge.

It did not counsel dissolution, but it recommended a course of action whose natural tendency would have been in that direction. Gratuitously assuming that the North was anti-

slavery, and that the South was essentially slaveholding, it insisted on union among "their constituents," even if it necessitated the ignoring of every tie, save that of nationality, which bound them to the North. "Entertaining these views," it added, in closing, "we earnestly entreat you to be united, and for that purpose adopt all necessary measures. Beyond this we do not think it would be proper to go at present."

The spirit and purpose of the friends of freedom were in marked contrast with these exhibitions by the slave-masters and their allies. Though largely in the minority, they had the strength of truth and talent, of a good conscience, and of moral courage. Though the atmosphere was heavy with the vapors of ignorance and prejudice, and the murky clouds of Southern intolerance and Northern conservatism were surcharged with the lightnings and thunderings of invective and hate, they seemed equal to the occasion, and rose to "the height of the great argument." It is hard to find in any volumes of the "Globe," or, indeed, in any other volume, finer specimens of forensic eloquence than were afforded by that session.

Among the first to assert their rights and enunciate their principles was John G. Palfrey of Massachusetts. His speech, in itself able, conclusive, and scholarly,—of which the "National Era" of the next week remarked that "the force of his argument lost nothing from the courtesy of his manner,"—gathered additional interest from the distinguished character and antecedents of the speaker himself. Mr. Palfrey, previously a Unitarian clergyman, a professor in Harvard University, and at one time editor of the "North American Review," had inherited quite a large patrimony of slaves. Convinced, however, of the sinfulness of the system, he had given his slaves their freedom and had heartily espoused the cause of emancipation. A member of the Whig party, he had sought to commit it to the principles of freedom. He became also a very active and efficient member of the Free Soil party, formed during that same year, and he had entered Congress a determined foe to slavery and its aggressions.

To such a speech as that of Mr. Clingman he was prepared



as well as prompt to interpose an able and conclusive reply. Recognizing its "courtesy, fairness, moderation, and dignity," he dwelt especially upon its topic, "the political aspect of the slave question." "It is," he said, "the great political question of the country, and has been from the beginning of this century, though hitherto not so prominent as now. It is the question which underlies all other questions and determines their solution." Referring to Mr. Clingman's assertion that free States had the advantage in numbers and wealth, he spoke of the countervailing advantage the slave States found in their superior discipline and unity of interest and purpose, and of "the power exerted by the concentrated energies of an active oligarchy, spread over a country intent on a single policy and bound together by a common intelligence and a common interest," leading the busy and inert masses, intimidating the weak, beguiling the easy, and bribing the mercenary. "What wonder," he asks, "that it should find means to perplex the simple and beguile and soothe the good, as well as to enlist and use the selfish? What wonder that it should be able to play off parties against each other, and take to itself effectually the balance of power and the lion's share of the prizes at stake?" He then proceeded to show, by giving the facts of the case, how the possible had become the actual, and how had thus been placed in the hands of this "active oligarchy" that "political power" which had dominated the nation for the preceding half-century. Perhaps never in briefer compass or with more pregnant words has been described the process by which this "active oligarchy," so insignificant in numbers and with a spirit and purposes so hateful and so foreign to the genius of free institutions, secured and maintained its terrible ascendancy so complete and so long.

Mr. Palfrey then traced the exercise of this power in the "unutterably heinous law" of 1793 for the return of fugitive slaves; the inhuman policy of the government toward the Cherokees and Seminoles, outraged and removed from their homes for the simple crime of harboring fugitives; the denial of the right of petition; the imprisonment of colored seamen in Southern ports; the "shameful chapter" of Mr. Hoar's

expulsion; the Texas scheme; and the Mexican war, of which he said: "It has been made to carry widowhood and orphanage into thousands of American homes, to write a chapter in our history for the execration and loathing of the civilized and Christian world, and the bitter shame of our own wiser posterity." With scholarly fulness and accuracy he exposed the shallowness of the charges brought against the colored race on the score of inferiority, and sketched with affluence of language and illustration the diverse results of liberty and slavery, as shown side by side in the Border States. Sketching briefly, but, as the events showed, too hopefully, the rise and progress, the various forms and phases, of antislavery effort, he closed by saying of the slaveholders: "If they insist that Union and Slavery cannot live together, they may be taken at their own word; but it is the Union that must stand." The speech commanded marked attention, and at its close John Quincy Adams exclaimed to those around him: "Thank God! the seal is broken. Massachusetts speaks."

But the marked speech of that great debate was that of Horace Mann. The particular point to which it was addressed was the question of the inhibition or admission of slavery into the Territories. Comprehensive in its scope and plan, exhaustive in its mode of treating the great inquiry, bristling with facts, fortified at every point and packed with authorities, legal and legislative, and redolent with the spirit of humanity and loyalty to truth, it seemed like the arraignment of the government in the court of the centuries, the utterance at once of the patriot, the philosopher, and the statesman. Though characterized by the orator's bold and startling imagery and illustrations, it did not lack the "plain, sinewy, Saxon tongue" which he claimed the subject demanded. Seemingly oblivious of all national compromises and all personal consequences, with an earnestness born of his deep and intense convictions, and of the greatness of the interest at stake, he invoked for his theme a consideration commensurate with its vastness and importance. Alluding to this territory, the destiny of which was to be decided by Congress,



he said: "Its great future hangs upon our decision. Not only degrees of latitude and longitude, but vast tracts of time — ages and centuries — seem at our disposal."

After showing the invalidity and imprudence of the claim that three hundred thousand slaveholders had an equal claim with that of fifteen millions to common territory, and proving the right of Congress to legislate for the inhibition of slavery in the Territories by an overwhelming weight of authorities, legislative and judicial, he proceeded to the second great division of his argument, the expediency of its use. Here was opened up a wide field in which his affluent and well-trained mind roamed at will, gathering from every source materials for an argument expressed with great forensic force and rhetorical beauty.

Leaving the technical part of his argument, he proceeded to the philosophical considerations, the economic and moral reasons, why "the new-born communities should be exempted from slavery." Prominent among them he adverted to the wastefulness of slavery, not simply in its relations to the national interests of the soil, but in regard to the man himself, destroying his best, his distinctive parts, — his mind, his conscience, his hope. "What," he inquired, "would be thought of a Massachusetts farmer who would seize upon his hired man, call in a surgeon, and cut off all the flexor muscles of his arms and legs? I do not ask what you would think of his humanity; but what would you think of his sanity? Yet the planter does more than this when he makes a man a slave. He cuts deeper than the muscles; he destroys the spirit that moves the muscles; he abolishes this mighty power of the intellect, and uses only the weak, degraded, and half-animated forces of the human limbs."

Comparing the results of free and slave States lying side by side, he showed the difference by the admission of Southern men, from whom he quoted largely, as also by a most copious reference to statistics, quoting from the latter the facts that of the five hundred and seventy-two patents issued in 1847, only sixty-six were from the Southern States; that of the books published in the United States about one fiftieth are from the



South. Alluding to the usual gratification felt in witnessing "the pursuit of knowledge under difficulties," he adds, "yet here, in what we call republican America, are fifteen great States vying with each other to see which will bring the blackest and most impervious pall of ignorance over three millions of human beings; . . . to colonize the broad regions of the West with these millions, who shall never be able to read a book or write a word; to whom knowledge shall bring no delight in childhood, no relief in the weary hours of sickness or convalescence, no solace in the decrepitude of age; who shall perceive nothing of the beauties of art, who shall know nothing of the wonders of science, who shall never reach any lofty intellectual conception of the attributes of the great Creator; deaf to all the hosannas of praise which Nature sings to her Maker; blind to this magnificent temple which God has builded." Alluding to the story of Casper Hauser, then exciting much interest, and which had been described in a book just then published as "The Example of a Crime on the Life of a Soul," he said: "There are in this boasted land of light and liberty three million Casper Hausers," and "it is proposed to fill up all the Western world with these proofs of human avarice and guilt."

During that debate Abraham Lincoln, then unknown to fame, made a speech, interesting on account of his subsequent career and relations to the nation, the same quaint conceptions and felicitous diction, now so gratefully and admiringly remembered; the striking manner in which he showed the disingenuous course of the administration in relation to the Mexican war; the fact that it was this government, and not the Mexican, which began "actual hostilities"; and also the trying embarrassments in which honest members of the Whig party were involved by that action. Alluding to certain interrogatories he had before introduced in some resolutions, "intended to draw the President out, if possible, on this hitherto untrodden ground," he said: "Let him answer with facts, and not with arguments. Let him remember he sits where Washington sat; and, so remembering, let him answer as Washington would answer. As the nation should not, and

the Almighty will not, be evaded, so let him attempt no evasion, no equivocation," and "show that the soil was ours when the first blood of the war was shed." "I have a selfish motive," he added, "for desiring that the President may do this. I expect to give some votes in connection with the war which, without his so doing, will be of doubtful propriety in my own judgment, but will be free from the doubt if he will do so." If, however, on "any pretence or no pretence," he refuses, "I shall be fully convinced of what I more than suspect already, that he is deeply conscious of being in the wrong; that he feels the blood of this war, like the blood of Abel, is crying to Heaven against him; that he ordered General Taylor into the midst of a peaceful Mexican settlement purposely to bring on a war; that, originally having some strong motive — what I will not stop now to give my opinion concerning — to involve the two countries in a war, and trusting to escape scrutiny by fixing the public gaze on the exceeding brightness of military glory, — that attractive rainbow that rises in showers of blood, that serpent's eye that charms but to destroy, — he plunged into it, and swept on and on, till, disappointed in his calculation of the ease with which Mexico might be subdued, he now finds himself he knows not where. How like the half-insane mumblings of a fever-dream is the whole war part of the late message! His mind, tasked beyond his power, is running hither and thither, like some tortured creature on a burning surface, finding no position on which it can settle and be at ease. He is a bewildered, confounded, and miserably perplexed man. God grant he may be able to show there is not something about his conscience more painful than all his mental perplexity!"

In February, 1849, James Wilson of New Hampshire made a speech on "the political influence of slavery," and against "the expediency of permitting it in these new Territories." Mr. Wilson was a Whig, and his election was among the first fruits of that political revolution in that State which sent Mr. Hale to the Senate and Mr. Tuck to the House. He was a man of large stature and of very imposing presence, and though he seldom spoke, was regarded as one of the most

effective speakers either in Congress or in the country. His speech was not characterized so much for original ideas as for his strong, striking, and somewhat quaint mode of expressing his views.

Alluding to the declaration of Mr. Hilliard of Alabama respecting the Southern States,—that they were “isolated, cut off from the sympathy of the Christian states of the world by reason of their peculiar domestic institutions,” he said: “I concur entirely with the gentleman in that opinion, and award to him high credit for his honest, frank, and manly avowal of that truth upon this floor.” Describing the slavery question as “the question not only of this country, but of the whole Christian world, emphatically the question of the age,” he declared that for the last fifty years it had “been the very centre and focus of all our political action, the focal point around which every great national interest has revolved.” Comparing it, by reference, “to the movements of the planets in their orbits around the sun,” he said that, unlike the sun, “the central point of our political action is as black and as dark as Egyptian darkness, as cold and heartless and unsympathizing as the icebergs that roll in the Arctic Ocean.” Referring to the fact that the framers of the Constitution regarded the system as “temporary,” looking forward to the time, “not far distant, when there would be an end of slavery,” and complimenting Mr. Jefferson as “the prime originator of the anti-slavery movement, but admitting that in after life there was “some change” in his opinions, he added: “The cautious, sagacious, wily politician found other opinions than those of the ardent, sincere, self-sacrificing young patriot to subserve his purposes and aspirations better.” He saw that the institution “was one of those peculiarly constructed machines which the politician could turn to good account; that by it a kind of galvanic chain was constructed, connecting the heart-strings with the purse-strings of any slaveholder in the country; that by the working of this political telegraph it affected, through the nervous fluid, the brain of the whole slaveholding community. It was an engine of mighty political power in the hands of a skilful, sagacious operator.” But Mr. Jeffer-



son, though he had repudiated his early sentiments, could not undo what he had so bravely done. "He had," said Mr. Wilson, "strewn upon the earth the seminal principle of a great truth; he had advertised the world of the true character of slavery and the slave-trade; and that truth had taken deep root. It was destined to remain as indestructible as the great truths that lay at the foundation of the throne of God." Giving a rapid sketch of the successive steps of slavery aggression, he came to the annexation of Texas, of which he said: "It inflicted the deepest wound upon the Constitution that has ever been inflicted upon that time-honored instrument. It has depleted it to the very verge of endurance."

Though prior to May, 1844, the whole North, he said, of all parties, was unanimously opposed to it, the Baltimore convention made annexation "a test of party fidelity." Certain party catchwords were adopted. "Texas and Oregon were tied together by a kind of illicit semi-hymeneal bond." But the Northern Democrats were to be deceived. Oregon was thrown in to cheat them. General Cass spoke often and vigorously in its behalf. Another Western Senator cried aloud, with a voice that might be heard from Capitol Hill to the Grand Monadnock: "We will have 54° 40', or we will fight." "But the politicians of the South," he added, "were not sincere; they were only using General Cass, a Northern man, as the wood-chopper uses his beetle. They swung him round and round, bringing his great weight to bear, until, by repeated blows, they beat the brains out of the unfortunate little Dutchman; and then, upon examining the tool with which they had been operating, they found it battered, split, shivered into splinters, and they threw it unceremoniously away, as unfit for further use."

In another mood, he spoke of his anxiety to do nothing in the contest which should wrong his conscience or leave a stain upon his reputation. "I have, sir, an only son, now a little fellow, whom some of this committee may have seen here. Think you that, when I am gone, and he shall grow up to manhood, and shall come forward to act his part among the citizens of his country, I will leave it to be cast into his teeth

as a reproach that his father voted to send slavery into the Territories? No, O no! I look reverently up to the Father of us all, and fervently implore of him to spare that child that reproach. May God forbid it!" Even "if the alternative should be presented to me of the extension of slavery or the dissolution of the Union, I would say, rather than extend slavery, let the Union, let the universe itself, be dissolved. Never, never will I raise my hand or my voice to give a vote by which slavery can or may be extended. As God is my judge, I cannot, I will not be moved from my purpose I have now announced." Speaking of the reform which had begun, and of which he spoke more confidently than subsequent events or even his own career justified, he said: "There was a time when, if the Slave Power had any special work to be done, and wanted a Northern man to do it, they hunted him up from New Hampshire. Little unfortunate New Hampshire was called upon to furnish the scavenger to do the dirty work. That day, thank God! has gone by; and it will not come again very soon."

## CHAPTER XVIII.

### CALIFORNIA.—ELECTION OF SPEAKER.—THREATS OF DISUNION.

President Taylor. — *Personnel* of his Cabinet. — Past success of slave-masters. — Future schemes. — Overtures to California. — Its constitution. — Southern opposition. — Excitement. — Contest for Speaker. — Threats. — Debate. — Duer, Toombs, Baker, Stephens, Cleveland, Allen. — Mr. Cobb's election. — President's message. — Father Mathew. — Vermont resolutions. — Debate thereon. — Hale, Chase, Phelps. — Missouri resolutions. — Benton.

ON the 5th of March, 1849, General Zachary Taylor was inaugurated President of the United States. A native of Virginia, himself a slaveholder, his interests and sympathies were unquestionably rather with the friends than with the foes of slavery. But he doubtless regarded it in its economic rather than in its civil relations, and had no very distinct opinions or wishes concerning it as an element of political power, whatever may have been the plans and purposes of those who presented him as a candidate for the high office he was chosen to fill. His selection of Cabinet officers indicated clearly his Southern proclivities, though he evidently was not a propagandist. He was, however, a fair-minded man, and undoubtedly intended to administer the government honestly and according to the Constitution as he understood it.

John M. Clayton of Delaware, his Secretary of State, was able, and was regarded, too, as among the most liberal of Southern public men. Mr. Crawford of Georgia, Secretary of War, was a man of moderate abilities and extreme opinions, whose connection with the Galphin claims had strengthened suspicions in regard to his integrity entertained by some. Mr. Preston of Virginia had early been an advocate of gradual emancipation, for which he earnestly and eloquently pleaded in her legislature in 1832. But the Southern pressure had been too strong, and, like other ambitious statesmen of that com-



monwealth, he had been compelled to succumb and become the advocate of the peculiar institution. Reverdy Johnson of Maryland, his Attorney-General, one of the ablest lawyers of the country, was fully committed to the slaveholding side of the great issue. The Secretary of the Interior, Thomas Ewing of Ohio, had long been in public life, and was a leading member of his party. He was a Virginian by birth. Born and nurtured in poverty, he was nevertheless aristocratic and conservative in his tendencies. Although representing a free State, the friends of freedom expected and received little from him. William M. Meredith of Pennsylvania, Secretary of the Treasury, was a gentleman of high character, a lawyer of distinction, but with little experience in public affairs. Jacob Collamer of Vermont was Postmaster-General. He was a statesman of recognized ability and firmness, and was unquestionably the most decided of any member of the Cabinet in his opposition to the increasing encroachments of the Slave Power. Thus constituted, the administration was called at once to grapple with the engrossing questions then forced with such pertinacity upon the country.

Thus far, the Southern leaders had been successful beyond their most sanguine expectations. Texas had been annexed, a war with Mexico had been provoked and fought to a successful issue, and immense accessions of territory had been secured. These successes had been, indeed, achieved at a fearful cost, involving large loss of blood and treasure, national dishonor and peril, infractions of the Constitution at home and of treaties of amity abroad. Still the slave-masters had not reached the goal of their ambition and purpose. There were other infractions to be made, other rights to be invaded, and other guaranties to be ignored. And the new administration, among its first duties, was compelled not only to define its position, but to enter upon that line of policy deemed necessary to secure these ulterior purposes of the Slave Power. Whether General Taylor fully comprehended the extent of these purposes may be questioned. He did, however, with a good degree of promptitude, enter upon the work of proposing and encouraging the organization of State governments.

Within thirty days after his inauguration, Thomas Butler King, a Whig member of Congress from Georgia, was sent to California for the purpose of expressing to its inhabitants the desire of the administration that they would form a constitution, and ask for admission as a State. This they were ready to do, though for reasons very different from those which impelled the government to desire it. The discovery of gold had drawn to the Pacific coast many enterprising and adventurous young men from the Northern States, who, whatever might have been their moral or political sentiments or personal prejudices, had little desire to enter into competition or companionship with negro slaves. But they needed government; and, as Congress had failed to give them a Territorial organization, interest, the need of protection, and ambition prompted them to respond at once to these intimations of the administration. A proclamation was therefore issued on the 3d of June, 1850, by General Riley, military governor, calling a convention to form a constitution. That convention assembled, framed a constitution, and submitted it to the people. It was adopted, and at once transmitted to Washington.

For the reasons suggested, instead of a provision for slavery it contained a clause expressly prohibiting it. This was, of course, regarded as a fatal omission by those who, still sore and smarting from defeat in their attempts to force slavery into Oregon as a State, and to obtain its recognition in the Territorial organizations of California and New Mexico, saw slipping from their grasp the coveted fruits of annexation and the Mexican war. It was with infinite chagrin and alarm that they looked upon these evidences of their ill success; and they determined to renew the struggle with greater desperation, to turn the tide that seemed to be setting so strongly against the consummation of their long-cherished schemes. Both in Congress and in the legislatures of the slave States appeared simultaneously demonstrations of these renewed purposes of slaveholding aggressions. The legislature of Virginia requested the governor to call an extra session if Congress should enact the Wilmot proviso, and the governors of

Georgia and Alabama recommended that provision should be made for conventions of the people should Congress legislate for the prohibition of slavery in the Territories. Menaces of disunion, too, which had seemed to be losing something of their power, were renewed.

The whole South seemed greatly moved. Her leading and most violent men were very active in breeding discontent and firing the Southern heart. Just before the session of Congress a correspondence between Mr. Foote of Mississippi and Mr. Clingman was published. In Mr. Clingman's response he expressed the opinion that the slave States ought to resist any action of Congress for the exclusion of slavery from any of the Territories. Though this avowal of the policy of disunion was that of two rather vain and ambitious men, neither of whom was entitled to much weight or influence, it was, nevertheless, an indication of Southern feeling and purpose. The cry of disunion, now uttered with more vehemence than ever, and manifestly designed to overawe the timid and dragoon the weak, secured the results for which it had been raised. Many were panic-stricken, and yielded to fear what conscience and reason, humanity and patriotism, urged them to maintain. Appalled by these menaces of disunion, they openly and pitifully disavowed their solemnly declared opinions, abjured their own repeated acts, and thus proved recreant to the enduring interests of the nation.

In consequence of this disturbed condition of affairs, this transition state of the public mind, as it was passing from the old traditional policy which had hitherto obtained to the new which it was about to adopt, the first session of the XXXIst Congress, beginning on the 3d of December, 1849, was marked by a variety of propositions, abstract and practical, introduced by both the friends and the foes of slavery. It was remarkable also for its length, its heated debates, its devotion to slavery, its submission to the Slave Power, and its disastrous compromises. In it, too, the nation took a new departure in its marauding crusade against the rights of man and the fundamental principles of public and personal morality.

The Senate had a clear Democratic majority. In the



House the Whig and Democratic parties were more equally matched, while the Free Soil party was represented by eight members. A sharp and protracted struggle ensued for the choice of Speaker. Robert C. Winthrop was the candidate of the Whigs, and Howell Cobb of the Democrats. Mr. Winthrop, however, failed to receive the full support of either section of his party. While five Southern Whigs refused to give him their votes, his views were far from being in accord with those of the Free Soil members, and his course as Speaker of the XXXth Congress had not been satisfactory. The latter, therefore, peremptorily and persistently refused to give him their votes during the contest, which continued for nearly three weeks, amid deep feeling and much excitement.

On the thirty-ninth ballot, William J. Brown, a Democratic member from Indiana, received one hundred and nine votes; a larger number than had been cast for any other candidate. Mr. Winthrop then withdrew his name from the list of candidates. The Free Soil members being informed that Mr. Brown was willing to pledge himself to arrange satisfactorily the committees on Territories, the judiciary, and the District of Columbia, David Wilmot of Pennsylvania addressed a note to him, stating that they would give him a cheerful and cordial support if assured that these committees should be so arranged. Mr. Brown in his reply promised that, if elected, he would "constitute the committees on the District of Columbia, on the Territories, and on the judiciary in such a manner as shall be satisfactory to yourself and friends. I am a representative of a free State, and have always been opposed to the extension of slavery, and believe that the Federal government should be relieved from the responsibility of slavery where they have the constitutional power to abolish it."

While this pledge was full and complete in itself, Mr. Brown's standing and associations did not fully commend him to the confidence of all the Free Soil members. Root of Ohio, Julian of Indiana, and Tuck of New Hampshire, refused to give him their votes; but Charles Allen of Massachusetts, Preston King of New York, David Wilmot of Pennsyl-

vania, Charles Durkee of Wisconsin, and Joshua R. Giddings of Ohio, anxious to secure a Speaker who would give the friends of freedom a chance to be heard, through these committees, assumed the responsibility of voting for him. Several Southern Democrats, however, who watched with suspicious interest and surprise this action, withdrew their support from Brown, and he failed of an election by two votes.

Mr. Stanley of North Carolina then rose and offered a resolution requesting the Democrats to appoint a committee of three to confer with the Whigs relative to the choice of officers for the House. An exciting debate ensued, during which Brown's letter to Wilmot was read and sharply criticised. Mr. Meade of Virginia expressed his readiness to take a Speaker, if he was opposed to the abolition of slavery in the District or its prohibition in the Territories, from either side of the House. "If slavery," he said, "is to be abolished in the District or prohibited in the Territories, I trust in God that my eyes have rested upon the last Speaker of the House of Representatives."

This declaration created much excitement. Mr. Root said in reply, that he trusted such calm and moderate counsels would allay agitation and prevent dissolution. But if dissolution was to come, he hoped it would come in "their disorganized attitude," because it would not be "binding," and there would be some hope that it would be set aside. "If dissolution shall come," he said, "after the House is organized, on a report for the abolition of slavery in the District of Columbia, then we are assured there will come a fight in defence of wife, the little ones, the household gods, and all other household furniture." He ridiculed the idea of Southern members who expected some Northern man to come forward with the "olive-branch of peace" in the surrender of Northern rights. He reminded Southern men, who were threatening a dissolution of the Union, that they must remember that the people of the West have a very strong idea that the Mississippi River, to say nothing about its banks, is a part of their territory from its mouth to its source. "We furnish the water."



William Duer, a Whig member from New York, proclaimed himself ready to vote for a Whig, a Democrat, a Free-Soiler, or any one but "a disunionist." Mr. Bayly of Virginia denied that there were any disunionists in the House, and asked Mr. Duer to point them out. In reply Duer said he believed there were some from Virginia, and pointed to Meade. "It is false," exclaimed the Virginian. "You are a liar, sir," retorted Duer. Quick as thought, Meade made a rush at Duer, who was immediately surrounded by his friends. A scene of indescribable confusion followed. Calls to order, threats, and violent gesticulations were intermingled. The sergeant-at-arms, seizing his mace, bore it among the excited and disorganized members, amid cries of "Take away that bauble!" The excitement having somewhat subsided, Mr. Duer apologized to the House for the language he had used, and quiet was restored.

Mr. Toombs, who up to that time had professed to be a Whig, followed in a vehement and passionate denunciation of the Free Soil members. He declared that the time had come when "we are not to be intimidated by eulogies upon the Union." "I do not hesitate," he said, "to avow before this House and the country, and in the presence of a living God, that if by your legislation you seek to drive us from the Territories and to abolish slavery in this District, I am for disunion; and if my physical courage be equal to the maintenance of my convictions of right and duty, I will devote all I am and all I have to its consummation." He closed his speech, which was frequently applauded by Southern Representatives, with the declaration that if they would not give him security that the organization of the House should not be used to the injury of his constituents, he would say, "Let discord reign forever."

Edward D. Baker, then a Whig Representative from Illinois, said that he could not permit the observations of Mr. Toombs to pass without an immediate and distinct reply. He told the Representatives of the South that when they threatened the dissolution of the Union the people doubted their earnestness; that no fervid declarations, no fiery appeals to Southern feel-



ing, no solemn invocations to Almighty God, would make them believe that there is "in this Hall one man who chambers in his secret heart a purpose so accursed and so deadly." He declared that the Representatives of the North would not shrink from uttering their deliberate convictions. "We are freemen," he said, "to speak for freemen, and will act as becomes freemen, in the face of the world and of posterity." He said it was a mournful spectacle to a true-minded man when threats of disunion, fierce and bitter, drew forth shouts of applause as triumphant as if disunion were a glory. "In the name of the men of the North," he said, "so rudely attacked, and speaking what I know to be their sentiments, I say that a dissolution of this Union is, must be, shall be impossible, as long as an American heart beats in an American bosom, or the Almighty sends his wisdom and his goodness to guide and bless us." This eloquent and gifted Representative afterward sealed his devotion to the Union with his blood on the disastrous field of Ball's Bluff.

To this earnest plea for the integrity of the nation, Alexander H. Stephens, then professing to be a Whig, at once replied: "I tell that gentleman, whether he believes it or not, and whether the people believe it or not, that the day in which aggression is consummated on any portion of the country this Union is dissolved." He closed by indorsing fully and unequivocally the speech of Toombs.

Although it required personal bravery as well as moral courage to speak for justice and humanity in that presence, there were those who were ready. Chauncey F. Cleveland, Democratic member from Connecticut, of strong antislavery convictions, expressed his astonishment at these exhibitions of passion, made by Representatives from the South. The people of the North, he said, made no threats, and were not disturbed by threats made by others. They loved liberty and wished to secure it; and, so far as it was in their power, they would secure it, regardless of threats here or elsewhere.

Charles Allen, a Free Soil member from Massachusetts, expressed his regret that "soothing language" had been addressed to "the actors in that theatrical display." He re-

mind the House that when men undertook in earnest the great and hazardous work of subverting established governments, instead of "flashy oratory" and "the machinery of concerted applause" there is heard a language of calm determination, and a countenance thoughtful and solemn in its expression bears testimony to the high resolve that animates the breast. He rebuked "the loud and declamatory threats" of Mr. Toombs to shatter into fragments this Union, and the simultaneous gathering of Southern members in the centre of the hall, each with uplifted hands, clapping at every sally of the vociferous orator. In a manner at once calm, firm, and dignified, he told the Representatives of the South, who "talk of subverting this mighty Union," that "their united forces could not remove one of the marble columns which supports this Hall." Turning to the friends of the ordinance of 1787, Mr. Allen said: "The cry of disunion has been raised in advance. If the legislature of the country, we are told, shall prevent the extension of slavery into free territory, the government is to be overthrown. How is this to be done? The advocates for the unlimited spread of slavery say they will teach you. Teach them a lesson which shall protect this House from such threats hereafter, which shall save—not the Union, which is safe, but the country, from all such scenes as we have witnessed this day."

On the 22d of December, a resolution having been adopted that a plurality should effect a choice, Mr. Cobb received one hundred and two votes to one hundred for Mr. Winthrop, and was declared Speaker. Being an extreme Southern man, the committees were organized to protect what were deemed the rights of the South, and to favor the designs of those who were leading the new crusade against freedom. The eight Free Soil members had only insisted on the very moderate demand for a Speaker who would appoint committees in favor of respectfully considering and reporting upon petitions relating to slavery. Mr. Giddings states that they offered to vote for Thaddeus Stevens without other pledges than his antecedent opinions and acts.

The House being organized, President Taylor sent in his

annual message. In it he took occasion to recommend to the favorable consideration of Congress the application of California for admission as a State whenever she should present it. He expressed, too, the opinion that the people of New Mexico would also at no distant day present themselves for admission as a State. He thought all causes of uneasiness might be avoided, and confidence and kind feeling produced, by thus awaiting the action of the people of California and New Mexico, who would institute for themselves such forms of government as would be most likely to effect their safety and happiness. When, however, the expected application came, and the President sent to Congress the constitution which had been adopted by the convention of California, though it was accompanied by a Democratic delegation to urge its claims, it met with not merely a cool reception, but with earnest and determined opposition from the very men who had been most anxious for the admission of the Golden State. Indeed, it became the signal and cause of a long, heated, and miscellaneous debate, especially in the Senate, to which body, after the long contest for Speaker in the House, the great conflict seemed to have been in a measure transferred.

In addition to the case of California, there sprung up minor questions, which were deemed or made to involve the same principle at issue. Among these was a motion to invite Father Mathew, the Irish apostle of temperance, then in Washington, to a seat within the bar of the Senate. To this seemingly harmless and unimportant proposition, Mr. Clemens of Alabama and others interposed a furious opposition, because his name had been appended, with that of O'Connel, to an anti-slavery appeal to the Irishmen of America. In that signature they detected a crime against the South which merited rebuke, though Mr. Clay expressed the opinion that this pushing the subject of slavery on all possible occasions was impolitic and unwise. Mr. Seward hoped that the Senate, by the adoption of this resolution, would express the sentiment that, "if slavery be an error, if it be a crime, if it be a sin, we deplore its existence, and we shall not withhold from virtue the meed which is its due, because it happens to be combined in the



person of one who exhibits not more a devotion to virtue than to the rights of man." Jefferson Davis, of course, opposed the motion. "Of the horde of Abolitionists, foreign and domestic, if I had the power to exclude them all from that Chamber," he avowed, "I would do it." Mr. Hale was not satisfied with the action of Father Mathew, because, when invited by the Boston Abolitionists to unite with them in the celebration of West India emancipation, he had consented to maintain the position of silence, and had disappointed the friends of liberty. But he should vote for the resolution for other reasons. After long debate, the resolution was adopted, though eighteen Southern Senators voted against it.

In the same month, Mr. Upham of Vermont presented the resolutions of that State, which declared slavery to be a crime against humanity, only excused by the framers of the Constitution as a crime entailed upon the country, and tolerated as a thing of inexorable necessity; and instructed its delegation to oppose the annexation of Texas, and to vote for the abolition of slavery in the District of Columbia. The motion to print was strenuously resisted by several Southern Senators, though Mr. Hale expressed the opinion that there was no occasion for this excitement of Southern members. "There have been resolutions enough passed," he said, "against slavery, to make a winding-sheet for every slave and every slaveholder in the Union. Yet, after all, if you sift it to the bottom, you will find very little resolution in the resolutions." Mr. Borland, a Democratic Senator from Arkansas, remarked that he should despise himself if he were unexcited under such circumstances. "I cannot," he said, "argue with the robber who meets me on the highway and demands my purse. I cannot consent to argue with the assassin who seeks to stab me in the dark. I cannot argue with the midnight incendiary who stands ready to apply the torch to my dwelling."

Salmon P. Chase, who had just entered the Senate, spoke briefly in favor of printing the resolution. Replying to the angry threats which had been made, and speaking for Ohio, he said: "No menace of disunion, no resolves tending toward disunion, no intimations of the probability of disunion, in any

form, will move us from the path which, in our judgment, it is due to ourselves and the people we represent to pursue."

Mr. Clemens followed Mr. Chase in a violent speech, in which he asserted that the Union was already dissolved. To this singular assertion Mr. Hale good-humoredly replied, that it would be very comforting to many timid people, with excited nerves and trembling fears, to find that the dissolution of the Union had taken place and they did not know it. Illustrating this point by a turn of pleasantry, he said: "Once in my life, in the capacity of a justice of the peace, I was called on to officiate in uniting a couple in the bonds of matrimony. I asked the man if he would take the woman to be his wedded wife. He replied: 'I will. I came here to do that very thing.' I then put the question to the woman whether she would have the man for her husband. And when she answered in the affirmative I told them they were husband and wife. She looked up with apparent astonishment, and inquired: 'Is that all?' 'Yes,' said I, 'that is all.' 'Well,' said she, 'it is not such a mighty affair as I expected it to be, after all.' If this Union is already dissolved, it has produced less commotion in the act than I expected."

The debate was one of great earnestness and vigor, and continued several days. On the 23d, Mr. Phelps of Vermont addressed the Senate in a speech of great force and eloquence. He reminded Senators that the agitation they so much deprecated was only the logical sequence of the Mexican war, which originated in the disposition to extend the boundaries and power of the country, and which carried in its train elements that might end in despoiling the Republic.

Resolutions of the legislature of Missouri were presented by Mr. Benton. They declared that any attempt to legislate against slavery in the District of Columbia or in the Territories would be a violation of the Constitution, and tend to disunion; and they pledged Missouri to co-operate with other Southern slaveholding States in favor of any measures deemed necessary to preserve the system. The resolutions, however, Mr. Benton asserted, misrepresented the sentiments of her people, as they never would be found acting in favor of dis-

union. These preliminary skirmishes in both Houses revealed the temper and tendencies of their members, and indicated the character of the great contest upon which they had entered,—a contest that was for months to divide and distract Congress, and for years to disturb and disgrace the nation.



## CHAPTER XIX.

### NORTHERN DEFECTION.

Root's resolutions laid on the table. — Giddings's resolutions defeated. — Northern defection. — Causes. — Debate on President's message. — Southern speeches of Clingman, Inge, McLane, Cabell, Brown. — Southern alarm. — Action of Southern legislatures. — Bold utterances of Northern members, Sackett, Horace Mann, Thaddeus Stevens, Bissell, and Fowler. — Speeches of Ashmun and Winthrop.

THE struggle over the election of Speaker had been marked by extreme violence. The slave-masters had never exhibited greater intolerance, audacity, or a more determined purpose. On the other hand, many Northern men, especially among the Whigs, betrayed marked timidity and vacillation in both their speeches and their votes. Two or three votes especially indicated with painful distinctness the rapidity with which even Northern members were unlearning the lessons of the past, and accepting those of the new school which was then in the ascendant. Thus on the 4th of February, 1850, a motion to lay on the table Mr. Root's resolution inhibiting slavery in the newly acquired territory, was carried by a vote of one hundred and five to seventy-nine, though five weeks before the same motion was rejected; more than thirty Northern members voting for the motion, and several others, though present, declining to vote.

On the same day likewise, Mr. Giddings offered two resolutions, — the first declaring that all men were created equal; and the second, that it was the duty of Congress to secure to the people of all the Territories, of whatever complexion, the enjoyment of the inalienable rights of life and liberty. The House, on motion of Mr. Haralson of Georgia, laid the resolutions on the table by a majority of thirteen. These decisive votes settled, at least for that Congress, the policy of slavery prohibi-

tion in the Territories. It was evident that the Wilmot proviso was inevitably defeated, and that the policy of excluding slavery from free Territories was ended. The Declaration of Independence and the ordinance of 1787 were thus disowned and rejected by the representatives of the people. By this latter vote it seemed as if Northern Representatives had been thoroughly subdued. They were not only ready to yield to Southern dictation in matters of practical legislation, but they were prepared ignominiously to surrender their opinions, — even the time-honored opinions of the Revolution and the Declaration.

The action on Mr. Root's proposition was certainly most extraordinary. In little more than a month there was a change of more than forty votes on substantially the same motion, and that involving one of the most radical issues then before the nation. Of the thirty-two Northern members who voted to lay the motion on the table, — in other words, to kill the Wilmot proviso, — eighteen were Democrats and fourteen were Whigs. There were twenty-seven absentees from the free States. Some would unquestionably have voted against the motion, had they been present; but charity itself was obliged to believe that some were absent because they preferred to dodge the vote. They therefore were prepared to reverse, not only their own action, but that of the government. No longer pleading the compromises of the Constitution as their apology, they were prepared to assume the aggressive policy dictated by the slave-masters, not making even the pretence of caring for freedom or of laboring in its behalf. The causes of this radical change, this new departure of the government on the slavery issue, were various. The refusal of the Whig national convention to indorse the Wilmot proviso; the timidity of the administration, which seemed mainly anxious to evade the question; the increasing violence of the Slave Power; and, above all, the growing demoralization of the nation under the malign influences, at once so potent and so persistent, — these were the causes of the sad and discreditable result. The nation would not do right. It could not stand still. It consequently became more and more pronounced in the wrong.

It was inevitable that the protracted and violent contest for Speaker, and the radical and conflicting principles and purposes of the contending parties, would reveal their influence in the debates which sprang up on the motion to refer the President's message to appropriate committees. Thomas L. Clingman, a Whig member from North Carolina, commenced the debate in a defiant speech in favor of the perpetuity of slavery and the rights of slave-masters. He arraigned the North for "its aggressive attitude" towards the South; declared his disgust with "the senseless and insane cry of Union, Union"; and proclaimed that the people of the South did not love the North well enough to become their slaves,—that God had given them the power and the will to resist, and they would take care of themselves. He was followed by Mr. Howard of Texas. He maintained that so much of Texas as lay north of 36° 30' should, if connected with any portion of the territory south of it, become slaveholding. He contended that good faith to the South required that the introduction of the principle of free soil there should be resisted.

Mr. Inge, Democratic member from Alabama, referred to "the ominous signs of discord" already apparent on the Whig side of the House, and predicted that General Taylor, like Actæon, was doomed to be torn in pieces by his own hounds. He sarcastically and contemptuously proclaimed that the open defiance of the South to the Wilmot proviso, and the sternly expressed determination to resist it to the last extremity and at all hazards, had awakened the "Union-loving propensities" of the Northern Whigs, who had "with characteristic discretion" already abandoned it. He avowed that the admission of California would be met by the South "with determined and unmeasured resistance." Holding the Mississippi River, she could levy tribute on the non-slaveholding States seeking egress to the ocean. Cuba, with slavery and kindred sympathies, was ready to spring into the embrace of the South; while a field of indefinite expansion opened invitingly south and west of the Rio Grande. "With these views of future wealth and grandeur lighting up the path of our destiny," he inquired, "can you feel that we fear to tread it alone?"



Robert McLane, a Democratic member from Maryland, went so far in support of Southern pretensions as to frantically exclaim: "If Congress shall abolish slavery in the District of Columbia, Maryland will resume jurisdiction over the same. Her courts, her processes, her constables, are all at command, and even her militia." Though Congress had exclusive jurisdiction over the District of Columbia, yet, if in its discretion it should abolish slavery, the Representative from Baltimore insultingly declared that Maryland would resume its jurisdiction, and that her constables and militia were ready to enforce her authority over the Federal government. Could the impotence of fanaticism and arrogant assumption go further?

In a similar strain Mr. Cabell, a Whig member from Florida, gravely announced, as if he was not the single Representative of one of the weakest and most insignificant States of the Union, that she had determined upon her course of action should Congress adopt the policy of inhibition. "Revolution," he said, "and disunion, will be the inevitable consequence of its consummation." None, however, went so far as Robert Toombs in the assertion of these arrogant demands. Turning to the Northern Representatives, he said: "We have the right to call on you to give your blood to maintain the slaves of the South in bondage. Gentlemen, deceive not yourselves; you cannot deceive others. This is a proslavery government. Slavery is stamped on its heart,—the Constitution."

Albert G. Brown of Mississippi avowed that he regarded slavery as "a great moral, social, political, and religious blessing,—a blessing to the slave and a blessing to the master." The outspoken Mississippian graciously admitted, however, that the people of the North thought slavery to be an evil, but impudently added: "Very well, think so; but keep your thoughts to yourselves." Mr. Savage of Tennessee violently denounced antislavery men as the outcasts and offscourings of the earth. Others wrathfully anathematized them as "a pestilent set of vipers, that ought in God's name to be destroyed."

Others still, varying the strain somewhat, spoke in a more deprecating manner, and addressed their warnings to the South. Among them, Hilliard of Alabama warned the South that it must make up its mind to resist the interdiction of slavery in new territories, or submit to an "organic change" in its institutions. Meade of Virginia, too, warned the South that, if it submitted to the policy of confining slavery within its present limits, it must "commence forthwith the work of gradual emancipation." And this representative of that ancient and proud commonwealth did not blush to confess that she had "a slave population of near half a million, whose value is chiefly dependent on Southern demand." These declarations revealed at once the temper, the principles, and the purposes, of the representatives of the Slave Power.

Nor were these avowals and menaces confined to the halls of Congress. Several of the Southern legislatures adopted resolutions in which they made proclamation that, if Congress prohibited slavery in the new territories, they would resist it "at any and every hazard." Governor George M. Troup of Georgia denounced every opponent of slavery extension as a fanatic, and proclaimed that the dread of death would only stop his machinations. "That dread," he said, "you must present to him in a visible and palpable form." And he actually proposed that Georgia should "march upon Washington and dissolve the government."

While many of the Representatives from Northern States shrank timidly before these angry menaces and vituperative assaults, there were others who maintained with inflexible firmness and unabated zeal the struggling cause of freedom, and who defended the higher and better sentiments of a humane and Christian people. Mr. Root took early occasion to declare that he was not "a compromising man," and he could not compromise on questions of either the Constitution or freedom. "So help me God," he solemnly declared, "I never will." He announced to Southern Representatives that he was inflexibly opposed to any more slave territory or States; and that they might bring the cause to trial as soon as

they pleased, and God and the country must decide between them.

Mr. Sackett of New York made an earnest plea against the extension of slavery. Alluding to the admission which had been made that the Mexican war had been fought at the behests of slavery, he exclaimed: "What, sir, a Christian nation, under the flag of freedom, marshalling armies, sending navies, slaughtering and to slaughter, to blot out forever the hopes of freedom and to bury them in the unfathomable abyss of slavery! . . . . If the blood and treasure of the South have been poured out for such a purpose, may the gaze of an indignant world rest upon the inhuman butchery! . . . . Friends of liberty! brethren in the cause of humanity, of freedom, and of justice, let us maintain our cause to the end! Let us defend these the liberties our fathers gave us, — secure them to ourselves and to our children; and, when we have triumphed, as the temples of religion and virtue, of morality and law, rise up in the wilderness of the West, as the voice of contentment and the chant of the free mingle with the sound of her waters, no slave shall bewail the chains of his race, no God shall condemn the deed we have done."

The voice, too, of Horace Mann, gave no uncertain sound. Peerless at home as a recognized leader in the causes of education and temperance, he was always and everywhere among the earliest and most intrepid in his advocacy of human rights. He followed Mr. Root, on the same day, with a speech of rare ability and eloquence. Alluding to a favorite boast of Southern writers and speakers, that they would defend their system "at any and at every hazard," even of disunion, he proceeded to consider some of the "hazards" of dissolution. Among them he dwelt upon the danger of insurrection and lawless violence, when the power and protection of the national government should be removed. Reminding the House that "the South fosters in its homes three millions of latent rebellions," he inquired, "If there is no Spartacus among them? is the race of Nat Turners extinct?" "In ignorant and imbruted minds," he said, "a thousand motives work which we cannot divine. A thousand excitements madden



them which we cannot control. It may be a text of Scripture, it may be the contents of a wine-vault; but the result will be the same, — havoc wherever there is wealth, murder wherever there is life, violation wherever there is chastity. Alluding to the heroic sacrifices and feats of bravery and endurance on the part of slaves seeking escape from bondage, he propounded the very natural inquiry, indicating a danger from which the wonderful forbearance of the slaves, and the good providence of God in great measure saved the sinning States: "Will men who devise such things and endure such things be balked in their purposes of hope and revenge when the angel of destruction in the form of an angel of liberty descends into their breasts?" Alluding to the event of civil war, he spoke prophetically: "If the two sections of the country ever marshal themselves against each other, and their squadrons rush to the conflict, it will be a war carried on by such powers of intellect, animated by such vehemence of passion, and sustained by such an abundance of resources, as the world has never before known." He closed his speech on slavery in the Territories with these words, which excited much remark, and were often made the occasion of bitter reproach and charges of disloyalty: "Such is my solemn and abiding conviction of the character of slavery, that, under a full sense of my responsibility to my country and my God, I deliberately say, Better disunion, better a civil and servile war, better anything that God in his providence shall send, than an extension of the boundaries of slavery."

Thaddeus Stevens also made similar reply in a speech of merciless severity and biting sarcasm. To Meade's humiliating confession that the value of Virginia's slaves was chiefly dependent upon a Southern market, he said it meant that Virginia was now only fit to be the breeder, and not the employer, of slaves; that "she is reduced to the condition that her proud chivalry are compelled to turn slave-traders for a livelihood; that, instead of attempting to renovate the soil, and by their own honest labor compel the earth to yield her abundance, instead of seeking for the best breed of cattle and horses to feed on her hills and valleys and fertilize the land,

the sons of that great State must devote their time to selecting and growing the most lusty sires and the most fruitful wenches to supply the slave-barracoons of the South." Clingman had boastfully threatened that the South would hold and defend Washington; that it was slaveholding territory, and they did not intend to lose it. Referring to this braggart boast, Stevens said: "We have had a most alarming description of the prowess of the South. We have heard their cannon roar, seen their bayonets bristle, heard the war-cry of the charging chivalry, and seen their bowie-knives gleam within this hall, in the vivid picture of the terrible gentleman from North Carolina." He denounced slaveholding in the United States as the most grinding and absolute despotism the world had ever seen, and held the people of the North who fastened iron chains and riveted manacles upon their fellow-men "as despots, such as history will brand and God abhor"; and he declared that any "Northern man, enlightened by a Northern education, who would, directly or indirectly, by omission or commission, by basely voting or cowardly skulking, permit it to spread over one rood of God's free earth, is a traitor to liberty and recreant to his God."

William H. Bissell, then a Democratic Representative from Illinois, afterward the first Republican governor of that State, spoke also earnestly and vigorously in reply to these Southern menaces of disunion. He said that their complaints were "wholly groundless, or exceedingly trivial," and that, if they had not the slavery question as a plausible pretext for their disunion designs, they would "hunt for such a pretext elsewhere, or invent one." Mr. Seddon of Virginia, afterward Secretary of War in the Southern Confederacy, had asserted that, when the "troops of the North" gave way at a critical moment at Buena Vista, the Mississippi regiment "snatched victory from the jaws of defeat." This unfounded claim, so vauntingly put forth, Colonel Bissell, who commanded an Illinois regiment in that battle, unequivocally denied. He affirmed that "the Mississippi regiment, for whom this claim is thus gratuitously set up, was not within a mile and a half of the scene of action, nor had it as yet fired a gun or drawn

a trigger"; and that the troops which there met and resisted the enemy were the "2d Kentucky, 2d Illinois, and a portion of the 1st Illinois regiments." This blank and positive denial brought a challenge from Jefferson Davis; but it did not evoke either a retraction or an apology from the Illinois colonel.

Four days after Mr. Webster's speech against reaffirming an ordinance of nature or re-enacting the will of God, Orrin Fowler, a Whig Representative from Massachusetts, made a speech, boldly enunciating and defending the fundamental principles and paramount claims of right and justice, conscience and Christianity. A Congregational clergyman, he carried to the halls of Congress the same deference to truth he had inculcated from the sacred desk. He condemned the extension of slavery, on the ground of its sinfulness, because it would be "a wrong done to humanity, — to the rights of humanity and to the friends of humanity." "Between doing wrong and suffering wrong," he avowed that true patriots would not hesitate to choose the latter alternative; and that "the sting of self-reproach and the consciousness of wrongdoing would imbitter what remains of mortal life" to him who should aid or consent to this extension of slavery.

While Southern men were violent and vituperative, and a few Northern men were true to their convictions and firm in their defence of the truth and of their section, there were those from the free States who spoke timidly and with too many reservations in behalf of opinions they had heretofore maintained. Among them was Mr. Ashmun of Massachusetts, a man of talent, forensic brilliancy, and practical sagacity. He spoke in terms of unmeasured condemnation of the dead issues, berated the government for the folly, wickedness, and inevitable consequences of the Mexican war, made upon "a weak sister republic," in which "we expended one hundred millions of dollars, throwing in, by way of small change, ten thousand American lives," depicted, as few could, the sad results already upon them, and set home the responsibility where it belonged. "But the soil acquired," he said, "was not merely moistened with American blood; it



was sown thick with quickly springing dragons' teeth. For hardly have the shouts of victory from Buena Vista and the palaces of the Montezumas died away, and the bugle of truce sounded the notes of recall to our squadrons, hardly have our eagles folded their returning wings, when our ears are pierced by shrieks, within our own borders, of discord, dissension, and disunion, and threatened civil war." When, however, he came to speak of Mr. Webster's speech, his admiration of its author was far more manifest than his censure of its treachery. With much adulation, the severest condemnation he could pronounce was that, while there may have been in it some conclusions to which his own way was not exactly clear, yet in the spirit in which he spoke he most cordially and heartily concurred. "Whether my difference with him," he said, "upon any of the points involved is not more seeming than substantial, I leave for others to decide; but of one thing I am sure, — that my tongue shall sooner cling to the roof of my mouth than it shall join in the temporary clamor which malignity has raised against him."

On the 23d of April, Mr. Winthrop of Massachusetts made a very able and adroit speech, in which he attempted to reconcile his former votes in favor of the Wilmot proviso with the new policy and new departure he was about to adopt. Ostensibly, and, no doubt, sincerely, he spoke in behalf of patriotism and union. "One tie, however," he said, "I am persuaded, still remains to us all, — a common devotion to the union of these States, and a common determination to sacrifice everything but principle to its preservation. Our responsibilities are, indeed, great. This vast republic, stretching from sea to sea, and rapidly outgrowing everything but our affections, looks anxiously to us to take care that it receives no detriment. Nor is it too much to say that the eyes and hearts of the friends of constitutional freedom throughout the world are at this moment turned eagerly here — more eagerly than ever before — to behold an example of successful republican institutions, and to see them come out safely and triumphantly from the fiery trial to which they are now subjected."

## CHAPTER XX.

### COMPROMISE MEASURES OF 1850.

United States Senate. — Foote's resolutions. — Hale's amendment. — Fugitive Slave Act. — President's message. — Speech of Mr. Cass. — Clay's eight resolutions. — Foote's protest. — Jefferson Davis. — Mr. Cass's speech. — Speeches of Clay, Houston, Berrien, and Benton. — Bell's resolutions. — Calhoun's speech read. — Considered. — Webster's 7th of March speech. — His defection. — Occasions great disappointment. — His course.

THOUGH the sharp and protracted struggle in the House on the question of the Speakership, the extreme opinions advanced in the speeches of Southern men, and the sudden and alarming changes in the votes of Northern members, had attracted the deep attention of the country, the great interest of the nation was concentrated on the Senate. The presence in that body of so many men of age, eminent ability, and long experience in public affairs, naturally excited in the minds of the people a desire to learn the views they entertained and the policy they proposed to pursue.

On the 27th of December, Mr. Foote introduced a resolution declaring it to be the duty of Congress to provide Territorial governments for California, Deseret, and New Mexico. A few days later, Mr. Hale offered an amendment securing to the inhabitants of these Territories those privileges and liberties guaranteed to the citizens of the Northwest by the ordinance of 1787. To Mr. Foote's remark that he was opposed to putting "the yoke of the Wilmot proviso on the necks of free-men," Mr. Hale replied that he too "would keep the yoke off the necks of the people."

On the 4th of January, 1850, Mr. Mason of Virginia introduced into the Senate a bill to carry out more effectually the provision of the Constitution in relation to fugitives from service or labor, and asked thereon a speedy report from the

Committee on the Judiciary. This was the famous Fugitive Slave Act, which was subsequently adopted, and which excited so much feeling in the free States. On the 16th of the same month, Mr. Benton introduced a bill to reduce the boundaries of the State of Texas to an area of one hundred and fifty thousand square miles. On the same day, Mr. Foote introduced a bill providing Territorial governments for California, Deseret, and New Mexico; and for the formation of a new State, with the consent of Texas, to be called Jacinto. In support of his bill he spoke with great vehemence, and condemned in unmeasured terms, not only the people of the free States, but Mr. Benton, whom he characterized as the Catiline of the Senate, "the leader who had scattered confusion and discord through the Democratic ranks." He also characterized his bill as treason to the South, because it would open again the agitation of the Wilmot proviso in regard to a portion of Texas, all of which had been secured by the annexation resolution. He closed with a vehement invective against Mr. Benton, who, he said, was more responsible than any man, living or dead, for the then present unhappy state of things.

On the 21st of January, the President sent a message to Congress in reply to a resolution calling for information. In it he made the statement that, in the absence of legislative authority, he had not felt authorized to disturb the arrangement entered into by his predecessor, Mr. Polk; that he had freely communicated to the two Territories his wish that they might express their unbiassed desires in their respective constitutions, to be submitted to Congress; that, being admitted under such constitutions, the agitating questions could be quietly settled and peace restored; and that the rejection of the application of California for any reason outside of herself would be an invasion of her rights. On the next day, a memorial was presented from the legislative council of Deseret for admission into the Union. Both it and Mr. Foote's resolution were referred to the Committee on Territories.

On the same day, Mr. Cass, the defeated Democratic candidate for the Presidency in 1848, made a very able speech, which attracted much attention. Its sentiments, his high



position in both the party and the government, and the commanding influence at that time of party leaders with the rank and file, contributed to this result. He stigmatized the resolution introduced by Mr. Foote as "an abstract one, calling for no actual legislation." He opposed Mr. Hale's amendment, maintained that it was both unconstitutional and inexpedient, and avowed his purpose to take no part in placing that "barren" proviso on the statute-books. He had, however, been instructed by the legislature of his State to vote for the measure, though opposed to it himself. As he recognized the right of instructions, he found himself in the dilemma of being compelled either to vote against the instructions of his State or the convictions of his judgment, or to resign his seat in Congress. He avowed his purpose to choose the latter. "When the time comes," he said, "and I am required to vote upon this measure as a practical one, I shall know how to reconcile my duty to the legislature with my duty to myself, by surrendering a trust I can no longer fulfil."

On the 29th of January, Mr. Clay presented a series of eight resolutions, as the basis of what he called a compromise for the settlement of pending issues that were distracting and disturbing the country. The resolutions proposed to admit California without reference to slavery; to establish Territorial governments without any restriction or condition; to fix the western boundary of Texas on the Rio Grande; to provide for the payment of the debt of Texas to a limited amount, on condition that she should relinquish her claim to any part of New Mexico; to declare it inexpedient to abolish slavery in the District of Columbia; to prohibit the introduction of slaves into the District to be sold as merchandise or transported to other markets; to make more effectual provision for the recovery of fugitive slaves; and to declare that Congress has no power to prohibit or obstruct the domestic slave-trade between the States.

Mr. Clay prefaced the presentation of his resolutions by saying that they proposed an amicable arrangement of all questions in controversy between the free and slave States. He then admitted that there had been some irregularity in

adopting the constitution of California, as no enabling act had been passed; but that this condition precedent had been dispensed with in the case of Michigan, and might be again. He maintained that slavery did not exist in the territory acquired from Mexico; and that, from causes entirely independent of legislation, it was not likely to exist there. Texas, he maintained, had "a plausible claim to portions of New Mexico"; and he asserted that "honor, justice, and truth" to her creditors required the assumption of her debts. He was opposed to the abolition of slavery in the District, without the consent of Maryland and of the people of the District, and without compensation. By the abolition of the slave-trade it was not intended to prevent the traffic among its inhabitants; but to prevent the slave-trader of other places from coming into the District "to establish his jails and put on his chains, and sometimes to shock the sensibilities of our nature by a long train of slaves passing through that avenue from the Capitol to the residence of the chief magistrate."

Repeating the remark that he had bestowed upon the subject "the most anxious, intensely anxious consideration," he claimed that his plan was founded upon "a spirit of mutual conciliation and concession." He thought the North should be willing to make greater sacrifices than could be required of the South. And why? he asked. "With you, gentlemen Senators of the free States, what is it? An abstraction, a sentiment, — a sentiment, if you please, of humanity and philanthropy, but a sentiment without danger, hazard, or loss. How is it on the other side? In the first place, there is an almost incalculable amount of property to be sacrificed. And, besides, the social intercourse, habits, safety, life, everything is at hazard."

Though he had invoked calm and careful consideration, a sharp debate at once sprung up. Mr. Foote entered an immediate protest, because he said the resolutions only declared it "inexpedient" to abolish slavery in the District, thereby implying that Congress had the "power"; and because they asserted that slavery "did not now exist" in the Mexican territory and "was not likely to go there." But he was some-

what mollified by the resolution recommending more stringent legislation for the recovery of fugitive slaves, and to that he gave his hearty approval. Mr. Mason, too, saw but one resolution he could heartily approve. He deeply regretted the admission that slavery did not exist in that Territory. It conceded the whole question at once that the Southern people could not go into the Territories and take their slave property with them. He avowed his purpose never to assent to that proposition.

In his dissent, Jefferson Davis revealed both his fundamental ideas upon the subject of slavery, and also much of the philosophy of the great Rebellion in which he subsequently bore so prominent a part. He opposed the resolutions because they ignored those offered by Mr. Calhoun in 1838 which affirmed that any act abolishing slavery in the District of Columbia would be a violation of the faith implied in its cession by the States of Virginia and Maryland. "Twelve years," he said, "only have elapsed; yet this brief period has swept away even the remembrance of principles then deemed necessary to secure the safety of the Union. We are called upon to receive this as a measure of compromise. Is a measure in which we of the minority are to receive nothing a measure of compromise? I look upon it as but a modest mode of taking that the claim to which has been more boldly asserted by others. I here assert that never will I take less than the Missouri compromise line extended to the ocean, with the specific recognition of the right to hold slaves below that line; and that before such Territories are admitted as States, slaves may be taken there from any of the United States, at the option of their owners."

In reply, Mr. Clay expressed his regret that Mr. Davis should declare, as his ultimatum, the extension of the Missouri compromise line to the Pacific, and a positive provision for the admission of slavery south of that line. He made, too, this admission, remarkable as coming from a slaveholder, and remarkable for its sharp contrast with the position that the Northern Democrats and many Northern Whigs were about to adopt: "Coming from a slave State, I owe it to myself, I owe



it to truth, I owe it to the subject, to say that no earthly power could induce me to vote for a specific measure for the introduction of slavery where it had not before existed, either south or north of that line. While you reproach, and justly too, our British ancestors for the introduction of this institution on the continent of America, I am, for one, unwilling that the posterity of the present inhabitants of California and New Mexico shall reproach us for doing the same thing which we reproach Great Britain for doing to us."

Mr. Davis replied sharply, insisting that after what had taken place the question should be put at rest by declaring that south of the line of the Missouri compromise slavery should be permitted by law.

On the 5th of February, the Senate proceeded to the consideration of the resolution. Mr. Clay spoke for two days, skillfully expatiating on the perils of the hour, enunciating his grand plan of compromise, and prescribing his sovereign *panacea* for the "fire-gaping wounds" of "the endangered and bleeding country." He was warmly applauded by the listening Senate and the crowded auditory that filled the chamber, lobbies, and galleries.

Mr. Houston of Texas, though a Southern man who had done much to strengthen slavery, extend its bounds, and increase its power, had failed to indorse all the wild schemes of the propagandists; and for this he had been taunted with dereliction of duty to his section. In a speech, near the beginning of the debate, he vindicated his questioned fealty, and claimed that his patriotism embraced the whole country. He expressed the wish, if the Union must be dismembered, that its ruins might be the monument of his grave. He desired no epitaph written to tell that he survived the ruins of the Union.

Mr. Berrien endeavored to establish the invalidity of the Mexican decree abolishing slavery, and the unconstitutionality of any attempt on the part of Congress to exclude it from the Territorial possessions of the United States. Concerning the return of fugitive slaves, he took the advanced position that it would, in all probability, before a great lapse of time, become a question how far the Congress of the United States is or is

not obliged, if it does not provide ample means for their restoration, to make compensation for such as could not be recovered. Professing the warmest attachment to the Union, which was undoubtedly sincere, he closed by an expression of his readiness to bow to the will and share the fortunes of the people of Georgia. "I cannot," he said, "separate myself from a gallant and patriotic people, the protectors of my infancy, and those who have in manhood extended to me a generous and unwavering support, which commands all my gratitude. Beneath the soil of Georgia the ashes of my parents and my children repose, and there too my own must shortly rest. Whether in weal or woe, the lot of her people shall be mine."

Mr. Benton, on the other hand, defended the validity of the decrees of Mexico abolishing slavery. Citing authorities, full, clear, and unanswerable, he established beyond all cavil that slavery had been abolished in California and New Mexico before their acquisition; that nobody could carry slaves into them to be held under the Mexican laws; and that slavery could not exist there except by positive law thereafter to be passed.

On the 28th, John Bell, a Whig Senator from Tennessee, presented a series of resolutions as a basis of compromise. It was immediately moved by Mr. Foote to refer the resolutions to a select committee of thirteen, — six members to be selected from the North and six from the South, and one to be chosen by the twelve, — for the purpose of maturing a compromise for the adjustment of all the pending differences growing out of the institution of slavery.

The debate continued for months. The country was deeply moved. In the halls of Congress, in the legislatures of the States, and through the press, the issues at stake received a most thorough and critical examination. The legislatures of the free States, excepting Iowa, had adopted resolutions in favor of the Wilmot proviso, while the slave States, excepting Delaware, had adopted those against it. The issues were thus clearly defined and distinctly presented. The expectation that Calhoun and Webster were to address the Senate and the country upon topics which had become the general themes of

conversation aroused expectation and intensified the prevailing excitement.

On the 4th of March, a speech prepared by Mr. Calhoun was read by Mr. Mason, the former being too feeble to deliver it himself. His eminence as a public man, his intense devotion to slavery, his extreme opinions touching the rights of the States, his illness, betokening the near approach of death, invested his words with special gravity and importance. Though the hand of mortal disease was upon him, and he was to die within the month, this effort was marked with his usual characteristics of thought and language, leaving none to doubt the meaning of his last vindication of the South, his last indictment of the North. He began by the expression of a belief, which he had long entertained, that the agitation of the question of slavery would end in disunion. He said that the country had been brought to confront the greatest and gravest question: How can the Union be preserved? There was, he declared, "universal discontent," and that "universal discontent" had not been caused by demagogues or political parties, as the tendency of demagogues and parties, powerful as they are, had been to keep everything quiet. There was something deeper and more potent, and that was the prevailing belief that the South could not remain in the Union "with safety and honor." That belief, he maintained, had been caused by this long-continued agitation, and the loss of the equilibrium between the free and the slave States. He then went into a minute calculation of the growing disparity between Northern and Southern States, and drew most gloomy conclusions from his horoscope of the future. That disparity had been occasioned, he affirmed, partly by natural causes and partly by hostile legislation. The ordinance of 1787, the Missouri compromise, the exclusion of slavery from Oregon, the systems of revenue and disbursement, and the growing centralization of power, had given the North a decided ascendancy in every department of the government. In his view, this Northern preponderance threatened serious evils to the South. He traced the agitation from small beginnings, till "now the fanatical party," he said, "has become an object of courtship to both



the great parties." He strenuously opposed Mr. Clay's plan of adjustment, and sharply criticised the policy of the administration, charging it with having accepted the non-intervention platform of its opponents.

Disunion, he asserted, would not come by a single blow ; it must be the work of time. But it had already begun, and some cords had been snapped. The Methodist and Baptist denominations had already divided ; the Presbyterian denomination had not been entirely broken, but some strands that bound it had given way. The Episcopal Church alone remained unbroken. The disruption of political parties would follow, unless remedies were applied. That remedy was not to be found in eulogies on the glorious Union, not by invoking the name of Washington, not by the compromise measures of Mr. Clay, and not by the policy of the administration. The North had only to will it, and it could save the Union "by conceding to the South an equal right in the acquired territory, by causing the stipulations in regard to fugitive slaves to be faithfully fulfilled," by ceasing to agitate the slave question, and by supporting an amendment of the Constitution "which will restore to the South in substance the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of this government."

He maintained that, if the stronger section could not agree to settle the difficulties between the sections on the broad principles of justice, they should let the States separate and part in peace. If the men of the North were opposed to such peaceful separation, they should say so ; and then the South would know what to do when the controversy was reduced to the question of "submission or resistance." If the North remained silent, and California was admitted, the South would be compelled, he said, "to infer that you intend to exclude us from the whole of the acquired territory, with the intention of destroying irretrievably the equilibrium between the two sections. We would be blind not to perceive, in that case, that your real objects are power and aggrandizement, and infatuated not to act accordingly."

Singular, extravagant, and even wild, as were these positions and the proposed conditions of peace of the great statesman, he was more consistent than were some of his critics. There was, at least, "method in his madness." Even his extreme opinions were but logical deductions from the principle admitted by the framers of the Constitution, that the slavery they had determined to continue under the new government they were forming must be protected and guarded against the natural exigencies of such a system. Hence the provisions to suppress servile insurrections and to return the escaping fugitive. Mr. Calhoun's demand was the application of a similar principle to new exigencies he was beginning to discover. He saw that, in spite of the compromises, in spite, too, of the almost unquestioned ascendancy with which the Slave Power had controlled the government for more than half a century, the slave States were passing, by the operation of nature's laws, into a hopeless minority. The waste, material, mental and moral, and the blasting presence of slavery were telling upon them, as, though starting side by side with the free States, they were falling signally behind in the race of life. To compensate for these losses, to preserve the equilibrium which these laws were constantly tending to disturb, he proposed the violent remedy of an amendment of the Constitution to restore by arbitrary enactment what the laws of nature and Providence were ever tending to destroy.

Of course, it was a natural and proper reply that, whatever the spirit and logic of the Constitution required, it did not demand concessions so violent and humiliating. Though it promised much, too much, it did not promise that. It did, indeed, pledge every American citizen, North or South, to take up arms, if called upon, against the heroic bondmen who, driven to madness by oppression, should rise against their oppressors, however degrading and galling such a service, and however contrary to the convictions of justice and the better promptings of the soul; but it did not promise or pledge that all should join in this crusade against the natural laws of matter and mind, agree to make up for the waste which slavery always occasioned, and endeavor to restore the equilibrium it

was ever tending to destroy. That was not "nominated in the bond"; and, however logical and necessary were Mr. Calhoun's demands, he could not urge in their behalf the ever-present plea of "the compromises of the Constitution." That the foremost statesman of the South saw no other help or ground of hope revealed the fearful straits of the system he would conserve, and the sad plight of the nation which had incorporated it as a recognized element of the body politic. Subsequent events, however, have shown that the most far-seeing and the most sensitive to national guilt and danger had then but very imperfect conceptions of the magnitude of the evil that burdened the land, and of the fearful peril that hung over it.

It was certainly a remarkable circumstance that, in the hour of strife, the three aged statesmen, Clay, Calhoun, and Webster, associated in the public mind for more than a third of a century as orators and leaders of commanding power and influence, should have then been members of the Senate. Clay and Calhoun had spoken, and their words had been flashed through the land to inspire some and dishearten others. The friends of liberty, who were maintaining a fearful contest for the preservation of principles underlying the institutions of their country, had received from them nothing to encourage, but everything to alarm.

All eyes were now turned toward Mr. Webster. He had claimed the Wilmot proviso as his "thunder"; and, when it had been voted down, in its application to the Mexican acquisition, he had characterized the vote refusing its application to the territory acquired from Mexico as "ominous, portentous." He had written, too, to friends in Massachusetts that he intended to ask Southern men to file their specifications, and show wherein the North had failed to fulfil its constitutional obligations, and had expressed his purpose to meet charges of bad faith and aggression, when made. He had consulted with Joshua R. Giddings, Thaddeus Stevens, and other antislavery members, touching his course of action; had given them to understand that he would sustain by speech and vote their doctrines of opposition to slavery extension and domination,



and had received from them assurances that by so doing he would endear himself to the friends of freedom, and that they would gladly follow his lead. "He even submitted," says Mr. Giddings in his *History of the Rebellion*, "the skeleton of his speech to the inspection of one or more leaders of that party, who pronounced it satisfactory, and Free-Soilers anticipated that he would lend his influence in favor of carrying forward the great moral enterprise of redeeming the nation from the thralldom of human bondage." But rumors were rife that he was even then wavering under the pressure of the hour; and the compromisers were beginning to hope that he was to prove faithless to these pledges and to those afforded by his former acts and recorded opinions.

The 7th of March came, and with it the speech so anxiously expected. The Senate chamber and all the avenues leading to it were thronged with an eager auditory. Commencing his speech with great dignity and solemnity of manner, in words of forceful eloquence, which none knew better how to choose, he alluded to the "strong agitations" and the "very considerable dangers" of the fearful tempest then raging, in which "the imprisoned winds are let loose," and "the East, the West, the North, and the stormy South all combine to throw the whole ocean into commotion, to toss its billows to the skies, and disclose its profoundest depths." Claiming to speak from the impulses of a patriotic heart, he challenged the attention of his countrymen. "I speak to-day," he said, "for the preservation of the Union. 'Hear me for my cause.'"

He passed rapidly over the events that had transpired from the declaration of war against Mexico to the unanimous adoption by California of its constitution excluding slavery. This he regarded as the main cause of the existing agitation, inasmuch as one of the first fruits of a war provoked in the interests of slavery was this Territory, clamoring for admission as a free State. He then went into an historical view of slavery, and reverted to the recent disruption of the ecclesiastical ties of some of the leading denominations. That result he regretted, and considered needless, because men could be found, he thought, "equally sincere and virtuous on both sides." And

yet he maintained that it was obvious there was occasion for grave apprehension from the religious element of the strife. He alluded to the public sentiment at the time of the adoption of the Constitution, when there was little difference of sentiment between the North and the South, both deeming slavery a moral and political evil, as was clearly shown by the ordinance of 1787. But a great change had taken place, both North and South. Slavery, he said, had now become "the Christian institution,—no evil, no scourge, but a great social, religious, and moral blessing. . . . The age of cotton became the golden age of our Southern brethren." Referring to the charge made by Mr. Calhoun that the political power was in the hands of the North, he made this singular admission, certainly very singular considering the purpose of his speech: "It has acted very liberally and kindly, or weakly; for they have not exercised that power five times in the history of the government." "From the adoption of the Constitution the politics of the country have been under Southern lead." He averred that measures avowedly in the interest of slavery were carried through Congress because the Democratic party, North and South, made slavery a test of fealty. In this, and thus far, Mr. Webster seemed to be consistent with his former self, although he had already laid down propositions which were to constitute the point of his new departure on that unexpected and returnless voyage for which, to the great grief of former friends, he that day changed his course.

Having maintained that they were bound to carry out in good faith that act of the government he had so steadily opposed and severely characterized, which had doomed "the vast, illimitable Texas to slavery"; and that every foot of land in the United States was then fixed by some irrepealable law as free or slave territory, he was prepared, on these assumptions as premises, to take his new position. He gratuitously volunteered his opinion that the government was bound to divide Texas into four slaveholding States as soon as Congress could be brought to a vote, without being very careful as to the number of inhabitants. Believing slavery to be excluded by

the laws of nature in California and New Mexico, he said he would not vote for its exclusion, because it would be "idle, a taunt to our Southern brethren," and because he "would not reaffirm a law of nature," "nor re-enact the will of God." This point he stated and reiterated in various forms of expression and with very emphatic utterance. He then alluded to the grievances of which the two sections complained, and of which he thought they had reason to complain. Among the causes of Southern discontent and complaint was the unwillingness of the people of the North to execute promptly and heartily the law for the rendition of fugitive slaves. "The South," he said, "has been injured in this respect, and has a right to complain." Though his "judgment" was and had been that the duty of returning fugitive slaves belonged to the "States," yet, in deference to a contrary opinion of the Supreme Court he should support the Fugitive Slave Act, then before the Senate, "with all its provisions, to its fullest extent." He called upon all, "not carried away by any fanatical idea," to do the same, as "a question of morals" and "a question of conscience." Another cause of Southern complaint he avowed to be the action of Northern legislatures upon the subject of slavery. He not only condemned the practice, but volunteered the expression of his purpose not to heed any instructions from that source. Abolition societies were also declared to be a cause of complaint. Such societies he condemned as not "useful," but tending to make the chains of slavery more galling.

Of the grounds of Northern complaint he specified only two, — the change in the Southern mind on the subject of slavery, and the imprisonment of Northern colored seamen in Southern ports. He alluded to the mission of Samuel Hoar of Massachusetts to South Carolina, to test in the courts the constitutionality of the law of that State imprisoning colored seamen; but he had no word of rebuke for the outrage committed on that venerable man, eminent alike for his personal worth and legal attainments. And even his brief references to the imprisonment of Massachusetts seamen and the outrage on Mr. Hoar were not spoken in the Senate, nor were they printed in



the papers south of New England. They were either strangely forgotten, or not deemed of sufficient importance, or they were left out by design. They were, however, interlined, in his own handwriting, in a revised copy of his speech, and sent by the hand of his intimate friend, Peter Harvey, to General William Schouler, then editor of the Boston "Atlas," in which paper the speech, as amended, first appeared.

After an eloquent portrayal of the evils of disunion, the impossibility of peaceful secession, and the fearful responsibility resting upon Congress to avert such a calamity, with an expression of his willingness to purchase, at a fair price, a portion of Northern Texas for the organization of a free State, and to vote for an appropriation for the colonization of free persons of color, he closed with one of his grand perorations, resplendent with both thought and diction. It was a speech of masterly power; and it fell heavily on the friends of truth, justice, and freedom, then battling against fearful odds for their maintenance and supremacy. Disappointed and grieved by his sudden defection, thousands who had loved, honored, and followed him as a trusted leader, now with indignant hearts left him in the hands of his new-found friends, who had won to the service of the Slave Power his great name, his exalted position and rare gifts of eloquence, — afterward to be ungratefully repaid with neglect and forgetfulness.

In estimating the causes of this sudden and disastrous change in his course, it must be borne in mind that Mr. Webster was among the recognized aspirants for the Presidency. His commanding talents and large public service justified both the desire and the hope that the country would deem him worthy of that elevation. It is known, too, that he had felt keenly his failure to secure the nomination of 1848. He had also the growing conviction, as he mournfully expressed it, that there was "no North," and that the South alone was in earnest. At his time of life, too, he might naturally expect that the coming election would afford him his last chance. In this state of mind, the flattering assurances of Southern men exerted an undue influence, and persuaded him to enter upon a path in a direction contrary to all the teach-

ings and practices of his previous life. Reconciling him further to this change were his apprehensions of the disastrous consequences of further disregard of Southern demands. He had become convinced that the South must be pacified. He was a true patriot, he loved the Union, and had gained a national reputation as its sturdy defender. The "great expounder of the Constitution" was the title which he had, by common consent, nobly won and worn. He seemed, too, to have comprehended more fully than most the true construction of the state, gauged more accurately the great and grave dangers which threatened the Republic, and weighed more carefully the fearful consequences which must follow its disruption. "I have not accustomed myself," he said, in the impassioned and impressive peroration of his great reply to Hayne, "to hang over the precipice of disunion, to see whether with my short sight I can fathom the depth below. Beyond that I seek not to penetrate the veil. God grant that in my day, at least, that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, with fraternal blood!"

## CHAPTER XXI.

### ACTION IN MASSACHUSETTS.

Mr. Wilson's resolutions. — Mr. Hillard's resolutions. — Mr. Hopkins's resolutions. — State mass convention at Faneuil Hall. — Address and resolutions reported by Richard H. Dana, Jr. — Remarks by Palfrey, Wilson, Hopkins, Webb, Adams, Phillips, and Keyes. — Hopkins's resolutions. — Branning's amendment. — Remarks of Schouler, Boutwell, Stone, Lawrence, Wilson, Kimball, and Earle. — Resolutions adopted by the House. — Debate in the Senate. — Resolutions amended and passed. — Meeting in Faneuil Hall. — Petitions to instruct Mr. Webster. — Mr. Wilson's resolution. — Debate thereon. — Resolutions defeated.

THE exacting demands of Southern legislatures and journals, with the purposes and plans disclosed by Southern leaders in Congress, excited grave apprehensions. The friends of freedom saw the necessity of arousing the people to at once stimulate and sustain their representatives in the stern strife in which they found themselves already involved. On the 11th of January, Mr. Wilson of Natick introduced into the legislature of Massachusetts resolutions declaring slavery to be a crime against humanity and a sin against God, and that its immediate abolition was the first and highest duty of every government under which it existed. Slavery was declared a mere local institution; and Congress was invoked to repeal all laws which sanctioned it, and the Massachusetts Senators and Representatives were called upon to vote for all measures that would absolve the people from responsibility for its existence. They were referred to a joint committee. No report being made by that committee, Mr. Wilson, on the 4th of February, introduced an order instructing the Committee on the Judiciary to report forthwith a resolution declaring that Massachusetts was unalterably opposed to any compromise with slavery, and instructing her Senators in Congress to oppose the compromise resolutions, and any other proposition



that gave the sanction of the Federal government to slavery, or made the people of the free States responsible, in any degree, for its existence.

The resolutions gave rise to an animated debate. Among the speakers was Samuel Hoar of Concord, whose character, candor, and cogency of argument, always commanded attention. He specially counselled unity of action. They were advocated, too, by Mr. Barry, author of a history of Massachusetts, in a calm but earnest speech. Mr. Wilson said an emergency had arisen, and prompt action was demanded. The looked-for compromise had been introduced into the Senate by Mr. Clay, — a compromise in direct hostility to the sentiments of Massachusetts, — “sentiments recorded in her annals, and enthroned in the hearts of her people.” Analyzing the compromise resolutions, Mr. Wilson pronounced them derogatory to the American name and American character, and he declared that now was the time for Massachusetts to utter her indignant No to a scheme which was intended to give further security and protection to slavery, by new contracts, agreements, and adjustments. On the 12th of February, Mr. Hillard, chairman of the Joint Special Committee, presented several resolutions. The report declared that the feeling against slavery was universal among the people of the New England States; that, by giving assent to the introduction of slavery into regions now free, “we should feel that we were guilty of a sin before God and man, for which there is no compensation and no equivalent. The sting of self-reproach would make our material prosperity of little value. The consciousness of wrong-doing would pursue us through all the path of life, and impair the flavor of our daily bread. If we are called upon to do wrong or suffer wrong, we prefer to suffer wrong.” The report closed with the avowal that “we will not buy temporal blessings with the price of what we deem wrong-doing. We will endure the shadow of sorrow, but not the stain of guilt.”

Deeming the resolutions not sufficiently explicit and adapted to the exigencies of the crisis, and declaring that the significance of speaking at that time consisted in “speaking to the

question," Erastus Hopkins of Northampton made a minority report. In it were reaffirmed the oft-proclaimed opinions which had received the almost universal assent of the people of the Commonwealth, faithfully characterized the position of the administration, pointed out the wide divergence of the two, and declared that Massachusetts could accept no compromise which involved any abandonment of principles so firmly held and so oft repeated. Although Mr. Hillard's report had received the indorsement of a caucus of the Whig members of the legislature, yet, when it came up for consideration in the House, Myron Lawrence, a leading member, objected to it as being too pointless, while that of the minority was perhaps too pointed; though with slight modifications he preferred the latter. A successful motion to recommit was made; Mr. Hillard's resolutions were abandoned; the resolutions of Mr. Hopkins were, in substance, agreed to by the committee, and reported to the House.

While the subject thus lingered in the legislature, there was a growing uneasiness among the people, lest the golden moment of timely protest and effective action should pass by unimproved, and the voice of Massachusetts be silent, or, at best, speak with bated breath. A call was therefore issued by the Free Soil Central Committee for a mass convention, to be held in Faneuil Hall on the 27th of February. The committee called upon the people to "throng" to the convention from all portions of the State, for they alone, it said, could "avert the timid action of their representatives, and reassure the opponents of slavery extension."

The convention was called to order by Mr. Wilson, chairman of the committee, and Mr. Palfrey was made president. On taking the chair, the latter addressed the convention at length. Referring to the rumor, then rife, that Mr. Webster had prepared a compromise which Southern Senators had approved, he said: "There is no name among contemporaries, there is no name in history, so great, so illustrious, so potent, that it will not wither, like Jonah's gourd, under the influence of such an act as is now supposed to be performed." Recurring to the early history of Massachusetts and to Thomas

Hutchinson, whom he designated "the Daniel Webster of his day in ability and station, superiority and influence," he asked: "Who knows anything of him now?" He said that history had hardly preserved his name, that he did not live in the hearts of the people, because, when the trial came, he was not true to Massachusetts. But Adams and Hancock and Warren, the men who had struggled for liberty, were "embalmed in the idea of patriotism," and will "live in the affections of posterity."

The Committee on Resolutions consisted of Richard H. Dana, Jr., Stephen C. Phillips, Samuel Hoar, John G. Whittier, Charles Sumner, and Milton M. Fisher. Mr. Wilson addressed the convention, congratulating it upon the character and numbers of those who had assembled at the call of patriotism, and reminded it of the pressing necessities which demanded immediate and decisive action. He said that every breeze from the South came freighted with the threats of the arrogant advocates of bondage to dissolve the Union, and to plunge the country into civil war, unless permitted to extend over the new Territories a system abhorred of man and accursed of God. Intelligence had come that Northern representatives were hesitating, faltering, either intimidated by the clamor and threats or seduced by the blandishments of power. "Rumors are rife," he said, "that there are Achans in the camp of Massachusetts, that her principles, her honor, and her name all are to be laid, a votive offering, on the unhallowed shrine of the Slave Power, to appease the wrath of traitors to humanity, to the country, and to God. But whatever others may do, come what may come, our path of duty is as clear as the track of the sun across the heavens. Union or no union, peace or no peace, compromises or no compromises, let us march boldly up to the extreme verge of our constitutional rights in resistance to the extension of human bondage over the Territories of the Republic."

Mr. Hopkins spoke strongly against all compromises. He said that the antagonism that existed was an antagonism between right and wrong, and that no compromise was allowable and no compromise was possible. Seth Webb, Jr., said he would



say to the representatives of Massachusetts in Congress that we remain immovable; that so long as we live we have but one plan, and that plan is, "no more slavery on the continent of America, at all hazards, under all circumstances, and without reference to a line of latitude or a line of longitude. That is our principle. It is not accommodated to executive or legislative influence. It does not bend to meet Mr. Clay's plan, or Mr. Webster's plan, or anybody's plan. It is as straight as a straight line. It is as even as a principle of eternal justice." He would say to the representatives of Massachusetts that the first symptom of vacillation, of uncertainty, of faltering, seals their political death-warrant for time, if not for eternity.

The address and resolution, reported by Mr. Dana, traced with great clearness the action of Massachusetts, and enjoined upon its members of Congress to adhere to the principle, "No more slave States, no more slave territory." Mr. Adams said that political opposition to slavery had grown from small beginnings, though steadily and stubbornly resisted by material interests, until it attracted the attention and occupied the thoughts of the country. It had a principle of vitality which defied all attempts to destroy it, and bore a charmed life. He thought the supporters of the administration had reached that condition where the remark of Mr. Webster, levelled against the Democratic party four years before, was applicable then,—that "the predictions of the last year's almanac respecting the state of the weather were as reliable as any prediction he could make of the course of that party on the question of slavery for a month at a time." In reply to the allegation that what they insisted upon, but were asked to sacrifice, was only a "sentiment," he said that all the principles of morals and religion which ennoble human life were abstract sentiments. "When, therefore, I am asked," he said, "as in this instance, to sign and seal a bond to my own shame, by surrendering a portion of that which distinguishes mankind from the brutes that perish, the sense of right and wrong in action, this is the moment for me to come forward and reiterate an everlasting No." He

predicted that no combinations made at the seat of government could crush out the sentiment that breathed in the verse of every poet, that beamed on the historic page, and was sung to the praise of the Most High.

Stephen C. Phillips, too, indignantly spurned the impious and impudent demand to surrender "a long-cherished and honored principle, — a principle to which we must adhere as long as we adhere to our political integrity, as long as we call ourselves Christians." He inquired if they could stand up in Faneuil Hall, in the midst of its hallowed associations, counsel any other course of action, and ask God to sustain them in any policy but that of adherence to the right, of fidelity to the counsels of our fathers. Edward L. Keyes made an eloquent and brilliant speech, in which he contended that the Whig party, as it then stood, was not, and had not been, in any proper sense, an antislavery party; and that the men who had extorted antislavery resolutions from it in years past then stood outside of it, "loathing its hypocrisy." The address and resolutions were then unanimously adopted.

In the mean time, Mr. Webster had made his 7th of March speech, which so aggrieved the people of the Commonwealth, filling some with indignation, others with alarm, and all with doubts. It deepened and intensified the feeling in the legislature. A few days afterward, the resolutions of Mr. Hopkins coming up for consideration, Mr. Schouler avowed his readiness to vote for them, but expressed the hope that the vote might be taken without debate and without division. He was then editor of the "Atlas," the leading Whig organ of the Commonwealth, and in whose columns Mr. Webster's speech and course had been sharply criticised. Mr. Hopkins concurred in his suggestion, declared that the committee had framed the resolutions in the hope that they would receive the hearty approbation of the House, as it was important, he said, to act with unity and harmony in that great crisis of the country.

Mr. Branning of Tyringham, though a prominent member of the Democratic party, indorsed the sentiments of the resolutions, but, naturally enough, insisted that Massachusetts

should utter the same sentiments in Washington as in Boston, and that her representatives in Congress should be committed to the same policy to which it was sought to commit the legislature. He therefore moved an amendment, instructing the Senators of Massachusetts to support the principles of the resolutions. Denouncing the custom of passing unmeaning resolutions, he declared that those before the House would be powerless without his amendment, and that if the legislature meant anything by its action, it would instruct Daniel Webster, though he had set himself above "instructions."

The amendment was strongly opposed by Mr. Hopkins, who appealed to the House to vote it down. He made a vigorous reply to Mr. Branning, and sharply criticised the action of the Democracy. Mr. Hoar followed in opposition to the amendment, appealing to the House to forget all party ties, and to go for freedom with a united front.

Mr. Boutwell, then the acknowledged leader of the Democratic party in the House, sustained the amendment, expressing, too, the opinion that the language of the resolutions was not felicitous. He thought it wrong to indorse all that had been said in past years, and pronounced the quotation from the resolves of 1845 "rank nullification." He distinctly avowed his readiness to vote for the Wilmot proviso, for the abolition of slavery and the slave-trade in the District of Columbia, and for the immediate and unconditional admission of California.

James M. Stone, a Free Soil member from Charlestown, afterward Speaker of the House, made a vigorous speech, urging the necessity of action, condemning Mr. Webster's course, and stigmatizing him as "a recreant son of Massachusetts, who misrepresented her in the Senate." Myron Lawrence, much to the surprise of the House, came to the rescue. Though, in years past, he had given his assent to similar resolutions, and had even expressed his approval of those then before the House, with their sentiments antagonistic to those just proclaimed by Mr. Webster, he spoke approvingly of the Senator's course, affirming that he "stood on national and constitutional grounds," and that his "conduct could be de-



fended." The course of Mr. Lawrence could be explained only by a consideration of his great regard for Mr. Webster, and the uncertainty with which his course had involved the future policy of the Whig party.

Mr. Wilson said he had hoped the resolutions would pass without a dissenting voice; and that then a resolution, instructing Mr. Webster to vote for the Wilmot proviso and against Mason's Fugitive Slave Bill or resign his seat, would be introduced and passed. But the amendment had been introduced, it must be met, and he should vote for it. He declared that Mr. Webster, in his speech, had simply, but hardly, stated the Northern and national side of the question, while he had earnestly advocated the Southern and sectional side; that his speech was Southern altogether "in its tone, argument, aim, and end." He said Mr. Webster could not still the troubled ocean, for "he is but a bubble,—a feather upon the heaving billows of popular commotion, lashed into fury by the spirit of liberty, which Abolitionists had generated by the labors of twenty years. He joins John C. Calhoun in rebuking them as deluded men. The truths which they have nursed and breathed into the people will live; the work of their hands will endure after his petty compromises shall have passed away from the remembrance of mankind." He said that Mr. Webster, with his large experience, lofty position, giant intellect, and great name, might have spoken words which, in that crisis, would have rallied the people, struck a blow for liberty, and linked his memory with the cause of human progress, and won the love and admiration of succeeding ages. But he had shrunk from duty, and joined in compromises. "Whatever may be the issue," he said, "of the present contest, slavery must die sooner or later. In that purer and better age, the memory of the men, however honored now, who have labored to perpetuate a system loathed of man and abhorred of God, will be odious to the people. Daniel Webster will be a fortunate man if God in his sparing mercy shall preserve his life long enough for him to repent of this act and efface this stain on his name."

Moses Kimball of Boston expressed his regret that Mr. Law-

rence should have announced his willingness to indorse the sentiments enunciated in Mr. Webster's speech, and to support the course he had taken. Mr. Earle, a Free Soil member from Worcester, then editor of the "Spy," sustained the amendment, and distinctly presented the issues involved in the contest. The amendment, though supported by others, was rejected by a majority of thirty-five. The resolutions, after being modified by certain amendments of Mr. Boutwell, were adopted by an almost unanimous vote, only six voting in the negative. When they came up in the Senate for consideration, Henry L. Dawes, afterward a prominent member of Congress, offered an amendment in favor of giving fugitive slaves trial by jury. Amasa Walker offered an amendment condemnatory of Mr. Webster's course, and spoke in its defence; though it was vigorously opposed by Mr. Dawes, Mr. Upham, and Mr. Hillard, on the ground that in such a contest it was better to deal with principles than with men. Mr. Wood, a Free Soil member from Plymouth County, said that in that great crisis Massachusetts had been betrayed, and her honor had been tarnished "through the open desertion of one of her Senators and the silent acquiescence of the other." She had faltered, was in a false position, and, if she had never spoken before, she should speak then.

Joseph T. Buckingham, a Free Soil member from Middlesex County, moved to amend the resolutions by incorporating into them words which had been uttered by Mr. Webster, to the effect that the opposition of the people of Massachusetts to the extension of slavery and the increase of slave representation is "general and universal," having "no reference to lines of latitude or points of the compass"; and that they "will oppose all such extension and all such increase in all places, and at all times, under all circumstances, against all inducements, against all supposed limitations of great interests, against all combinations, against all compromises." In support of this amendment, Mr. Buckingham made a carefully prepared speech. He was then an old man, had been long connected with the public press, and for thirty years had been the personal and political friend of Mr. Webster. Holding one of

the most vigorous and polished pens of his time, he had, as a journalist, he said, "in days of darkness and depression as well as in those of prosperity and sunshine," recommended Mr. Webster to the people as the greatest man of the age, and the fittest man for the highest office of the nation. He claimed him as his Mentor and his guide, and said that the ears of his understanding had drunk in "his words of sympathy for suffering humanity, of his abhorrence of the system of slavery, of his detestation of the ambition that was striving to extend the Slave Power over new Territories and secure the mastery of the free States." After thus referring to the long and pleasant intimacies of the past, he said: "But this happy intercourse in all probability is at an end. To use the emphatic expression of Horace Mann in reference to one whose friendship was withdrawn from him, 'We are now on opposite sides of the moral universe.' I am content it should be so. I expect no friendly recognition from any man who would justify the entrance of a slave-hunter into New England, or who would seek in the Constitution authority or apology for such diabolical employment." After further debate, in which the amendment was eloquently supported by Mr. Dawes and Mr. Upham, it was sustained by a majority of ten.

The resolutions were then referred to a select committee, of which Mr. Upham was chairman. In their new draft, Mr. Dawes's resolution in favor of a jury trial for slaves was modified, and Mr. Buckingham's amendment was entirely left out. This change was opposed by Dawes, Buckingham, and Walker, but was sustained by a majority of six; and they were then passed, as reported by the committee, with only four dissenting votes. They were concurred in by the House, and received the sanction of the governor.

The action of Mr. Webster was also strongly condemned by a public meeting in Faneuil Hall on the 25th of March, over which Samuel E. Sewall presided. Resolutions were introduced by Theodore Parker, in which the speech of the 7th of March was declared to be "alike unworthy of a wise statesman and a good man." In support of his resolutions Mr. Parker delivered an argument of great thoroughness and force.



Wendell Phillips followed in a critical examination of the salient points of Mr. Webster's speech. .

Petitions were presented to the legislature, asking that Mr. Webster be instructed to vote for the Wilmot proviso and against Mr. Mason's Fugitive Slave Bill. The committee to whom they were referred having reported adversely, Mr. Wilson moved to strike out its recommendation, and insert resolutions setting forth that Mr. Webster, having declared in the Senate that the prohibition of slavery in New Mexico would be "useless, senseless, and nugatory," that he would "not vote for it, and that he would support the pending Fugitive Slave Bill with all its provisions to the fullest extent," be requested to vote against the organization of any Territorial governments without an express provision forever excluding slavery, and to use "the first, the last, and every occasion" to defeat the bill for the recapture of fugitive slaves. When they came up for consideration, Mr. Wilson, remarking that they were couched in respectful language, said they simply asked their Senator to vote for the recorded principles of Massachusetts, — principles which its legislature had asserted and reasserted with votes approaching unanimity.

Mr. Schouler said he deemed the resolutions wholly unnecessary. The legislature had almost unanimously declared in favor of the principles embodied in them, and their Senators could not fail to understand its views and the wishes of the people. They were further opposed by Charles Theodore Russell of Boston. He was in favor of applying the Wilmot proviso to the Territories, and against Mason's Fugitive Slave Bill; but he deemed it child's play for the legislature to allude in any way to Mr. Webster. Mr. Earle said, if the legislature meant anything by the resolutions it had adopted after full discussion and with such unanimity, it ought to say to Mr. Webster, who had proved false to the oft-repeated sentiments of Massachusetts, that he should listen to, heed, and obey the voice of the people. The vote was then taken, and the resolutions were rejected by a large majority.

Mr. Wilson then moved a reconsideration of the vote. He declared that he had offered the resolutions in good faith, and

unbiassed, he trusted, by party feelings. Mr. Webster had abandoned the well-known principles of Massachusetts, and her legislature, if sincere, should say to her Senator: "We, the representatives of the people you represent, request you to vote for freedom in the Territories, and against that cruel and infamous measure now pending in the Senate for the recapture of fugitives fleeing from oppression." He warned the majority that, if they defeated those resolutions, if they shrank from the duty then imposed upon them by imperilled liberty, the betrayed people of Massachusetts would hold them to the strictest accountability. "The people of Massachusetts will never sustain the position taken by Mr. Webster, nor will they uphold those who follow his lead or apologize for him." He said that, if the majority of that legislature did not rebuke the efforts making by Mr. Webster to sacrifice the cause of liberty, they would themselves be discarded by an indignant people. "I will," he said, "go out from this hall, and unite with any party or body of men to drive you from power, rebuke Daniel Webster, and place in his seat a Senator true to the principles and sentiments of the Commonwealth." The vote on reconsideration was then taken, and the motion was rejected by the decisive majority of sixty-two. Thus in that crisis the legislature of Massachusetts shrank from meeting the issue, so defiantly and almost contemptuously presented by their Senator. This failure to instruct, or even to request, Mr. Webster, not only to support the undoubted sentiments of the legislature and of the people, but to adhere to his own pledges, so often and emphatically made, exercised, no doubt, an important influence on the subsequent action of the State. It emboldened the Senator and his supporters in their disregard of what was manifestly the popular sentiment, and prepared the way for, and largely aided in procuring, the defeat of the Whig party in the election of that year.

## CHAPTER XXII.

### COMPROMISE MEASURES OF 1850.

Southern demands on President Taylor.—He stands firm.—Mr. Hamlin.—Thurlow Weed.—Taylor's letter to Jefferson Davis.—General debate.—Speeches of Walker, Seward, Douglas, Badger, Hunter, Hale, Chase, Benton.—The admissions of the latter

AT that time of timidity, wavering, and weakness in both Houses of Congress, President Taylor stood firm, collected, and resolutely determined to maintain the authority of the government. Aggrieved, on the one hand, at what he regarded the ungenerous conduct of Mr. Clay, Mr. Webster, and other leading Whigs, he was deeply moved, on the other, by demands he deemed to be both unpatriotic and personally offensive. Mr. Hamlin, then a Democratic Senator from Maine, states that, making a business call upon the President, he met Toombs, Stephens, and Clingman just retiring from an interview. On entering the President's room, he found him walking the floor, greatly excited and indignant. He told Mr. Hamlin that the men who had just retired had been making demands concerning the policy of his administration, accompanied with intimations that the South would not submit unless they were acceded to. He accompanied this statement with the declaration that, if there were any such treasonable demonstrations on the part of the Southern leaders and people, he would put it down by the whole power of the government, even if he was obliged to put himself at the head of the army to do it. Thurlow Weed, who called at the executive mansion immediately afterward, found the President still in a state of excitement, and he too received the assurance of his purpose to maintain the Union and the government at all hazards. These statements received significance from a letter written by General Taylor to Jefferson



Davis, dated Monterey, August 16, 1847. In this letter he says that his "position, feelings, and associations, independent of pecuniary considerations," were with the South; and that, while he would "respect the feelings of the non-slaveholding States," he would be "equally careful that no encroachments were made on the rights of the citizens of the slaveholding States." After expressing his convictions of the gravity of the slavery issue, and his willingness that it should be the subject of free and full discussion, he said: "But the moment they go beyond that point, when resistance becomes right and proper, let the South act promptly, boldly, and decisively, with arms in their hands if necessary, as the Union in that case will be blown to atoms, or will be no longer worth preserving."

That the President, so unequivocally committed to Southern interests and holding views so decided, not to say defiant, should have taken, with such determination, his stand for the Union, as indicated by the statements of Mr. Hamlin and Mr. Weed, affords conclusive evidence that there were, in his view, no Northern aggressions; that the cry of Southern danger and alarm was simulated, or, at least, unfounded; and that the real foes to be resisted were at the South, and not in the North.

On the 8th of March, Mr. Walker of Wisconsin, who had yielded the floor to Mr. Webster on the previous day, addressed the Senate. He had been chosen an antislavery, Wilmot-proviso Democrat. But he had become alarmed by the wild clamors that filled the land, and was more than half persuaded to allow what he thought were the claims of patriotism to override those of justice and humanity, should they come in conflict. At any rate, he made a most passionate appeal in behalf of the Union, while his imprecations upon those who would lay sacrilegious hands upon this ark of the nation's safety were violent and fearful. "May he," he said, "who takes the first step toward this horrid consummation suffer through life all the tortures of despair and wretchedness! May sight forsake his eyes and hearing his ears! May leprous scales cling to his wretched carcass, while disease,

want and hunger, thirst and cold, feed upon his vitals ! And in his last hour may he have no kindly hand to smooth his pillow, no kindred smile to light his exit to the grave ! Nay, sir, may he have no pillow on which to die, no grave in which to repose ! And in the dread tribunal of eternity may he barely merit the mediatorial interposition of Jesus at the throne of God ! For such a wretch the Saviour scarcely died. This, sir, is my curse for the would-be destroyer of this Union and Republic. If he be in this chamber, — which I cannot believe, — the curse is for him ; and, if I could add to my tongue the sting of the scorpion, the fire that is never quenched, the gall that is persistent through eternity, I would make that curse more poignant, more burning, more bitter.”

Thus passionately and wildly did this Northern Senator and his friends of compromise talk, as, with threats and imprecations and appeals to patriotism and peace, they darkened and encumbered the path of those who sought, by adherence to principle, rather than by bowing the knee to slavery, their country’s safety and sure prosperity. This weakness of the Wisconsin Senator was promptly and sternly rebuked by the legislature of his State.

On the 11th of March, Mr. Seward made a masterly speech in favor of California, union, and freedom. Referring to California as “ more populous than the least and richer than several of the greatest of our thirty States,” he asked and answered, with impressive force, the question : “ Shall California be received ? Yes ; every new State is welcome. But California, that comes from the clime where the west dies away into the rising east, — California, which bounds at once an empire and a continent, — California, the youthful queen of the Pacific, in the robes of freedom, gorgeously inlaid with gold, — is doubly welcome.” Deducing from the calculations of political arithmetic that in our century there would be two hundred millions of people within the limits of the United States, he said the question arose, Shall that great people be one people, or be broken into conflicting nations ? “ The world contains no seat of empire so magnificent as this ; and yet it seems to me the perpetual unity of our empire hangs on

the decision of this hour. Commerce is the god of boundaries, and no man now living can foretell his ultimate decree." He avowed his opposition to the proposed compromise measures, because he deemed "all legislative compromise radically wrong and essentially vicious." At the bare thought of such a compromise being effected, he said: "It seems to me as if slavery had laid its paralyzing hand upon myself, and the blood were coursing less freely than its wont through my veins." He pronounced Mr. Calhoun's proposition to restore and retain the political equilibrium to be both impracticable and entirely subversive of the principle of democratic institutions. The equilibrium, he said, was lost in 1787, and, if restored, would be lost again. He earnestly deprecated, and condemned as unfounded and undemocratic, the arbitrary division of States into free and slave. He combated the asserted obligation of Mr. Webster that Congress was bound to create four additional States out of Texas.

Mr. Seward affirmed that the simple, single, bold, and awful question is: Shall we, with our knowledge and experience of slavery, in founding institutions for countless millions establish, or admit by sufferance, human bondage? No Christian, free to act, would do it. Alluding to Mr. Webster's professed willingness to leave the question of slavery to be determined by the laws of nature, and his unwillingness to re-enact the will of God, he said: "There is no climate uncongenial to slavery; . . . there is no enactment which is just which is not a re-enactment of the law of God." He then went into a very careful, dispassionate, and eloquent consideration of the allegation that disunion could be averted only as Southern feeling could be propitiated and Southern demands met. While admitting danger, he contended that there was no sure escape but in just action and a firm trust in the superintending providence of God. "The Constitution," he said, "regulates our stewardship; the Constitution devotes the domain to union, to justice, to defence, to welfare, and to liberty. But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part, no inconsider-



able part, of the common heritage of mankind, bestowed upon them by the Creator of the universe. We are his stewards, and must so discharge our trust as to secure in the highest attainable degree their happiness." This public recognition by a Senator of the United States that the laws of the Creator were "higher" than those of human enactment excited much astonishment and indignation, and called forth, in Congress and out of it, measureless abuse upon its author. But the flippant taunt and sneer concerning the "higher law," instead of damaging him, did but reveal how deeply debauched had become the mind and heart of a Christian people through the demoralizing influences of slavery and its compromises.

On the 13th and 14th, Mr. Douglas made a speech of great vigor in favor of the compromises, though he dissented from the extreme views of Mr. Webster and their Southern advocates. He replied with much effect to the speeches of Mr. Webster and Mr. Calhoun. Concerning Mr. Webster's admission that the annexation of Texas fixed, pledged, fastened, and decided it to be slave territory forever, he declared that there never was such torturing of language and such perversion of its meaning. He affirmed that there was "no guaranty, no pledge, no intimation of the kind." Gladly and gratefully accepting Mr. Webster's doctrine that the law of physical geography superseded the necessity of the Wilmot proviso, making it both "senseless and useless" to reaffirm an ordinance of nature and re-enact the will of God in 1850, he asked how it had been needful in 1847, when Mr. Webster claimed it as his invention, and entered a caveat against its use, as stealing his "thunder." Saying that, according to the admission of Mr. Seward, the Wilmot proviso had given New York to General Taylor, he directed attention to the fact that it was discarded as senseless and useless by the Senator from Massachusetts.

Referring to Mr. Calhoun's speech on "Northern aggressions and Southern grievances," he combated many of its assumptions and assertions. He pronounced Mr. Calhoun's device for maintaining the equilibrium between the North and the South to be "impracticable," and "destructive of the great

principles of popular equality.” He contended that slavery had been abolished by Mexican law in the acquired territories, and that they were thus free. He closed his speech — certainly one of the most vigorous and effective he ever made — by paying a high compliment to Mr. Clay, whom he characterized as the pioneer in the work of harmonizing the people.

On the 18th and 19th of March, Mr. Badger of North Carolina delivered an able, moderate, and patriotic speech. He claimed that he had “the heart and hand of a brother” for every portion of the American people, whether in the East or the West, the North or the South. He opposed the Wilmot proviso, referred to the emphatic pledges of resistance given by some of the Southern legislatures, and demanded modification of the laws for the more effectual rendition of fugitive slaves. He expressed his apprehension growing out of the proposed Nashville convention. “If that convention,” he said, “shall meet under such circumstances, in my judgment, the Union is from that day dissolved. I do not say that dissolution will follow instantly. I do not say but a connection — an external union — may be maintained, and linger on for a few years longer; but the meeting of that convention will be to our institutions, in the language of Napoleon, the “beginning of the end.” He said that it was upon its face a step toward a distinct organization of the Southern States, separating them from the mass of their countrymen. Though he denied the right of a State to secede from the Union, he expressed the opinion that the Union could not be continued by force; for the forced connection of reluctant communities would not deserve the name of union. While he entertained gloomy apprehensions for the future, he trusted that some basis of harmonious co-operation might yet be found. Of his fidelity to the Union and of his fraternal feelings toward his Northern brethren there could be no doubt. And yet it was manifest then, as it was afterward, when he went into the Rebellion, that these sentiments were subordinated to what he had learned to regard as the paramount claims of slavery and of his State.

Mr. Dayton of New Jersey, though regretting the Mexican

war, that had "brought much territory and much trouble," justified his vote for the treaty "negotiated" by Mr. Trist, "not only without authority, but against authority," for the reason that the continuance of the war would have brought additional territory, better fitted for slave than free labor. He admitted that the citizens of the North and the South had equal rights in that territory; but he asserted that the very equality of right repelled the idea that the minority in interest should have absolute control, as would be the practical result of allowing slaves to be taken there. That, he said, would be "neither equality nor equity." He alluded with becoming dignity and force to the superficial, not to say flippant, assertion of Mr. Clay, that Northern opposition to slavery was a mere "sentiment," by reminding the Senate of the weighty interests and momentous considerations involved in the decision of the question. "We are about now," said Mr. Dayton, "to lay the foundations of other commonwealths. The North says it is our duty, as statesmen and as men, to lay their foundations in such wise that our children and our children's children, to the remotest generation, may rise up and call us blessed." Northern feeling, he assured them, was no sickly sentiment, but judgment and sound discretion. "When we are laying the foundation of empires, the question is not how a few may live in ease; but the question is, how the many may best live, increase, beautify, and fructify the earth."

A few days later, Mr. Hunter of Virginia presented a philosophical view of the subject from the Southern stand-point. Speaking in deprecatory terms of the current attacks on slavery, he predicted that their logical results must be disastrous to the government and the nation. Comparing the condition of Southern slaves with the laboring populations of Europe, he contended that the real servitude of the latter was no less "involuntary" than that of the former. "The child," he said, with too much truth, "inherits it as certainly from his parents, by the force of circumstances, as if it descended by positive law. What chance has the child for moral culture or social advancement who is sent to labor at six, eight, or ten years of age, and labors twelve, fourteen, and sixteen hours a



day, as a living fixture to a spinning-machine? . . . . The Southern slave has a far better chance to become a freeman by emancipation, than the child of the lowest class of English laborers has to rise above the condition of his fathers."

Alluding to the fact that slavery was acknowledged "in governments embracing a majority of the civilized world," he contended that, being admitted into the Constitution of the United States, it might be permitted "without giving just cause of offence to the most fastidious conscience"; as if the constitutions of earth could set aside the laws of Heaven! Insisting that the "abstract principles" of human rights, which led to attacks upon their social organization, must cause the overthrow of every existing government, he said: "But, be this as it may, — be the public opinion of the North or of the world whatever it may, — our constitutional rights cannot and ought not to be affected by such considerations. It is so 'nominated in the bond,' and we are entitled to the faithful stipulation in that contract. If obligations higher than the Constitution forbid you to fulfil its stipulations, then you are bound in honor to say that 'the contract into which we have entered is improvident; our consciences forbid us to execute what we have engaged to do; we have no right, therefore, to hold you to your engagements; let us then dissolve the contract, and give and obtain a mutual discharge.'"

Mr. Hale made an elaborate argument, occupying two days, in vindication of the principles, measures, and acts of anti-slavery men. Expressing his regret at differing from Mr. Webster, he said he had the consolation, while dissenting from his views in 1850, to agree with him in 1848. In support of this allegation, he quoted the following words from Mr. Webster's speech in 1848: "My opposition to the increase of slavery in this country, or to the increase of slave representation in Congress, is general and universal. It has no reference to the lines of latitude or to the points of compass. I shall oppose all such extension and all such increase, in all places, at all times, under all circumstances, even against all inducements, against all supposed limitation of great interests, against all combinations, and against all compromises." Mr.

Hale expressed his entire agreement in that sentiment, while he widely differed from the antagonistic sentiments uttered by the same voice more recently. "The Senator," said he, "discovers all at once that the laws of God take care of the proviso. Where were the laws of God when the Oregon bill was under consideration? Were not those laws in as full operation in 1848 as in 1850? Does not the law of God take care of the proviso up to 49° as well as below 36° 30'? The Senator says he would not re-enact the laws of God. Would he enact laws in repudiation and condemnation of the laws of God? All the laws we pass must be in accordance with or against the Divine will. Yet the Senator declares he would not re-enact the laws of God. Well, sir, I would. When he tells me that the law of God is against slavery, it is a most potent argument why we should incorporate it with any Territorial bill."

Mr. Hale then proceeded to denounce, in the severest language, the proposed Fugitive Slave Act. He thought a bill of such a character could not possibly pass the Senate, as it proceeded entirely on the assumption that there were no rights in the Constitution except the "rights of slavery." He solemnly affirmed that, much as he loved the Union, much as he revered its institutions, and fond as were the memories that clung around its early histories, he would sacrifice them all before he would consent that the citizens of his native State should "at one blow be stripped of every right that is dear to them and for which their fathers bled and died."

He expressed the same condemnation as others had done of Mr. Calhoun's proposition to recover by constitutional amendment "a fancied equilibrium" which the South had been gradually losing for the last sixty years. He charged agitation upon Southern Senators and Representatives, who fired the hearts of the Southern people, who never knew they were wronged and insulted until they were told so from the city of Washington.

Mr. Hale closed by setting forth the principles and aims of the Free Soil party, with which he was identified and of which he was an eloquent and trusted champion. "We desire ac-

tion," he said, "not out of the Constitution, or against the Constitution, but in and under it. We desire to see the Constitution carried out as intended by its framers, and to see it administered in the spirit in which it was formed. We desire to see, also, the abolition of slavery effected throughout the world. This is what we desire and aim at. And, firmly believing in the providences of God, we trust the day will yet dawn upon this country when the word 'slavery' shall be a word without a meaning; and when those whose efforts are for universal freedom shall have, as their fathers had in the days of the Revolution, the earnest and hearty sympathy of those who live in the slaveholding States; and when any section of the Union will join hands with the other in spreading abroad the principles of humanity, philosophy, and Christianity, which shall elevate every son and daughter of the human race to that liberty for which they were created and for which they were destined by God. These opinions, sir, we entertain, and these hopes we cherish; and we do not fear to avow them, here, now, always, and forever."

Salmon P. Chase was one of the two Free Soil members of the Senate. He had been a leading and most influential member of the Buffalo convention in 1848, by which the Free Soil party was organized. On the 26th and 27th of March he addressed the Senate in an argument of great ability, research, and eloquence. He announced at the outset these two propositions: It is our duty to abstain from interference with slavery in the States; it is our duty to prohibit its extension into national territory, and its continuance where we are constitutionally responsible for its existence.

Taking a rapid survey of slavery aggression and acquisition, he reached the conclusion that, had it not been for the inhibition of the ordinance of 1787, every foot of land west of the Alleghany Mountains would have been slave soil. He not only contended, with Mr. Seward, that the doctrine of the equilibrium between the North and South was an impossibility, but that such an idea never entered the minds of the framers of the Constitution. In this connection he sharply controverted the idea of Mr. Webster that Congress was obliged to carve



four additional slave States from Texas, as the act only provided that such States "may" be formed with the consent of Congress. Referring to Mr. Webster's early commitment to the Wilmot proviso, and to his frequent and reiterated assertion of its principle, and to his recently avowed dependence upon the laws of nature and physical geography, he said: "If it is useless to re-enact the will of God now, why was it not then? If it is so clearly seen now, why was it not then?"

He sharply rebuked the cry of disunion, declaring it was made to alarm the timid, the sensitive, and the unreflecting; to afford excuses for concessions, and thus to secure advantages which the sober judgment and enlightened conscience of the government would never yield. "We of the West," he said, "are in the habit of looking upon the Union as we look upon the arch of heaven, without a thought that it can ever decay or fall." "It may be," he said in closing, "you will succeed here in sacrificing the claims of freedom by some settlement carried through the forms of legislation. But the people will unsettle your settlement. It may be that you will determine that the Territories shall not be secured by law against the ingress of slavery. The people will reverse your determination. It may be that you will succeed in burying the ordinance of freedom. But the people will write upon its tomb: 'I shall rise again.' And the same history which records its resurrection may also inform posterity that they who fancied they killed the proviso only committed political suicide."

On the 8th of April, Mr. Benton spoke against Mr. Clay's compromise measures, and in favor of the unrestricted admission of California. He objected to the compromise measures "in the lump," although he was quite ready to take the ingredients in detail. He referred to the fact that, under his lead, in 1836, Congress converted a large extent of free soil into slave soil by the annexation of the Platte country to Missouri. "By that act of annexation," he said, "a part of the Missouri compromise line — one hundred miles of it on a straight line — was abolished; and a new line substituted, nearly three hundred miles long on its two sides, cutting deep into free

soil and converting it into slave soil." He referred to the recovery of Texas by Northern votes, which carried slavery "from the Sabine to the Rio Grande, from the Red River to the Bay of Matagorda, from the frontiers of Louisiana to the frontiers of New Mexico, — ten degrees of longitude, — above four hundred miles on a straight line." He referred to other acts in favor of slavery which had been carried by Northern votes, and declared that all idle fears and groundless accusations sank into nothing in the presence of such facts. He then went on to say that "these fears are idle, this agitation groundless; that Congress has no design to disturb slave property; that there is no necessity for any settlement or adjustment about it, no necessity for compromising California into the Union by a grand scheme of settling the whole slavery agitation at the expense of her honor, dignity, and rights."

He stated that his opposition to the extension of slavery dated back to 1804, when he studied the subject of African slavery in a Virginia book, Tucker's edition of Blackstone's Commentaries, in which was a tract of fifty pages in "total condemnation of the institution, and a plan for its extinction in Virginia." "The men of that day," he said, "were not enthusiasts or fanatics. They were statesmen and philosophers. They knew that the emancipation of the black slave was not a mere question between master and slave, — not a question of property merely, — but a question of white and black, — between races, — and what was to be the consequences to each race from a larger emancipation. And there the wisdom, not the philanthropy, of Virginia balked fifty years ago; there the wisdom of America balks now. And here I find the largest objection to the extension of slavery, — to planting it in new regions where it does not now exist. The incurability of the evil is the greatest objection to the extension of slavery. It is wrong for the legislature to inflict an evil which can be cured; how much more to inflict one that is incurable, and against the will of the people who are to endure it forever! I quarrel with no one for supposing slavery a blessing; I deem it an evil, and would neither adopt it nor impose it on

others. Yet I am a slaveholder, and among the few members of Congress who hold slaves in this District.”

For clearness of statement, force, grasp, power, and fulness of information, this speech was superior to any speech delivered in the Senate during the session. When, then, it is remembered that Mr. Benton was born and raised in a slave State, that he lived in and represented a slave State, it contrasted strongly and strangely with the speeches of several Northern Senators, and entitled him to the considerate regard of his countrymen.



## CHAPTER XXIII.

### COMPROMISE MEASURES OF 1850 (*continued*).

Vote on Foote's resolutions. — Committee of thirteen. — Clay's bill. — Long debate. — Final vote. — President's death. — Deeply regretted by friends of freedom. — Mr. Fillmore. — New Cabinet. — Change of policy. — Webster's visit to Boston. — Great debate. — Three lines of argument. — California admitted by the Senate. — Protest. — Laid on the table. — Texas boundary bill adopted by the Senate. — In the House. — Boyd's amendment adopted. — Bill rejected. — Vote reconsidered. — Adopted. — Utah bill adopted. — New Mexico admitted. — Southern divisions. — General demoralization. — Mr. Clay's influence. — Threats of disunion by Clemens, Toombs, and Holmes. — Nashville convention. — Meeting of Southern members. — Speeches of Soulé and McDowell.

THE debate having run on for nearly three months, the Senate proceeded to vote on the original proposition, made by Mr. Foote, for the appointment of a select committee of thirteen. It was so modified as to refer to that committee the resolutions submitted by Mr. Clay and Mr. Bell. After motions to refer it to the Committee on Territories, to lay it on the table, and to amend it in several particulars, had been defeated, it was adopted by a majority of eight, and the Senate proceeded to the election of the committee. Mr. Clay was chosen chairman, and it was completed by the election of Cass, Dickinson, Bright, Democrats, and Webster, Phelps, and Cooper, Whigs, from the free States; King, Mason, Downs, Democrats, and Mangum, Bell, and Berrien, Whigs, from the slave States. It was a strong committee, composed of Senators of ability and large experience in public affairs; and yet on it the principle of the Wilmot proviso had no earnest and tried advocate, whom its friends could implicitly trust. Mr. Phelps was, indeed, fully committed to it; yet, though a man of rare ability, and equalled by few as a lawyer and forensic debater, his unfortunate habits impaired the public confidence. Nor did his course on this committee raise him in popular estimation.

On the 8th of May, Mr. Clay reported a bill of thirteen sections. It provided for the admission of California, the establishment of Territorial governments in Utah and New Mexico, and the adjustment of the boundaries between New Mexico and Texas. The committee also reported a bill for the prohibition of the slave-trade in the District of Columbia. Mr. Clay accompanied the bill with a report explanatory of its several distinct, separate, but incongruous measures. In the debate which followed, it transpired that the committee were not in full accord.

Mr. Benton, who dealt damaging blows, thus humorously describes the committee and its work. "There is," he said, "no contention to be reconciled, no distraction to be composed, no misery to be assuaged, no lost harmony to be restored, no lost happiness to be recovered. If there was, the committee is not the party to give us these blessings. Their example and precept do not agree. They preach concord, and practise discord. They recommend harmony to others, and disagree among themselves. They propose a fraternal kiss to us, and give themselves rude rebuffs. Scarcely is the healing report read and the anodyne bills, or pills, laid on our tables, than fierce contention breaks out in the ranks of the committee itself. They attack each other. They give and take fierce licks. The great peacemaker himself fares badly, stuck all over with arrows, like the man on the first leaf of the almanac. Here in our presence, in the very act of consummating the marriage of California with Utah, New Mexico, Texas, the fugacious slaves of the States and the marketable slaves of this District,—in this very act of consummation, as in a certain wedding-feast of old, the feast becomes a fight, the festival a combat, and amiable guests pummel each other."

An exhaustive and exhausting debate followed, which continued nearly three months. On the bill or some of its numerous amendments nearly every Senator spoke. The House, too, engaged in the general contest, until both Congress and the country were alike wearied and impatient. Though the subject was introduced into Congress in December, a final vote was not reached until the last day of July.

Nor did the measure adopted bear much resemblance to that at first introduced. Indeed, only so much as referred to the Mormon territory of Utah remained. When, therefore, the pretentious measure on which Mr. Clay and his grand committee of thirteen had bestowed so much anxious thought and care had passed the Senate, and was sent to the House, it had been so shorn and reduced that it was received with peals of laughter from both friend and foe. And yet, though failing to pass the Senate as a whole, the debate and votes rendered it apparent that the separate measures of which it was composed could be carried, and that slavery, in the name of compromise, was to be again victorious. This conviction becoming general, the friends of slavery grew bolder and more audacious, and the friends of freedom correspondingly disheartened and depressed.

The death of General Taylor, which took place on the 9th of July, largely contributed to the success of the slaveholding interest. He had felt deeply aggrieved at the action of Mr. Clay, Mr. Webster, and other leading Whigs, who had joined the extreme advocates of Southern rights in resisting the policy of his administration. He thought, and so did several members of his Cabinet, that their course was influenced quite as much by personal as by public considerations. How much the action of several leading Whigs was controlled or modified by personal disappointments, grievances, and aspirations will never be fully disclosed. That General Taylor had resolved to defeat the consummation of their purposes there can be no doubt whatever. Indeed, he had distinctly announced this policy. "Whatever dangers," he said, "may threaten this Union, I shall stand by and maintain it in its integrity to the fullest extent of the obligations imposed and the power conferred on me by the Constitution." This patriotic position and the course of events were rapidly and necessarily placing him in a position of antagonism to the extreme demands of the Slave Power. His sudden death was, therefore, more deeply regretted by antislavery men, even by those who had opposed and deprecated his election, than by any other portion of his countrymen. A portion of the Whig party, who had,



with hesitation and misgivings, stood by him in his refusal to yield to slaveholding demands, hastened to abandon that position.

The Vice-President, Mr. Fillmore, who had been suddenly called, in that great crisis of public affairs, to the executive chair, was a man of respectable abilities, but of conservative tendencies. He had professed opposition to the extension of slavery, to slavery and the slave-trade in the District of Columbia, to the domestic slave-trade, and to the annexation of Texas. While Mr. Seward represented the radical and progressive portion of the Whig party in New York, Mr. Fillmore acted with the conservative portion, or, in the political parlance of that day, the "Silver Greys." He possessed little power in his State, and when he succeeded General Taylor he had little influence in the nation. On his accession to the Presidency, though a Northern man, he abandoned at once the policy of his predecessor, changed his constitutional advisers, placed Mr. Webster at the head of his Cabinet, and accepted, without qualification or reservation, the policy of the Slave Power, of which Mr. Webster had become the foremost advocate.

Mr. Webster's abandonment of his State, section, and lifelong principles occasioned both grief and indignation. Murmurs of disapprobation and mutterings of discontent were heard among those accustomed to follow his lead. To quiet these manifestations, he visited Boston a few weeks after his "7th of March" speech. From the balcony of the Revere House he told his fellow-citizens that he should "take no step backward," and that they "must learn to conquer their prejudices." In letters to friends and in speeches he had enforced these declarations of his purposes and their duties. On the 17th of July, a few days before he left the Senate to take his place at the head of the Cabinet, he alluded to these "prejudices," and declared that they arose from misinformation and from those "incessant efforts made for twenty years to pervert the public judgment." He said that there had arisen "an exaggerated sense of the evils of the reclamation of slaves." This exaggerated sense had been produced, he de-

clared, by "the incessant attrition of Abolition doctrine, Abolition presses, and Abolition lecturers upon the common mind." "No drum-head," he said, "in the longest march, was ever more incessantly beaten than the feelings of the public in certain parts of the North. They have been beaten every month, every day, and every hour by the din and roll and rub-a-dub of Abolition presses and Abolition lecturers; and that it is which has created these prejudices." In a similar strain he proceeded, ridiculing and belittling this "extraordinary" sensitiveness at a law "not objectionable unless the Constitution is objectionable."

These utterances reveal in the clearest light the spirit and purpose with which Mr. Webster entered the Cabinet. Is it at all surprising that a man of Mr. Fillmore's character and antecedents, with little heart or will, should have yielded to the imperious purpose of the Secretary to maintain his new position, and to act the new part he had chosen? At once the administration entered upon its work. The strong were proscribed, the weak seduced, the patronage of the government was unsparingly used, the press subsidized, and even the pulpit was not beyond the reach of its sacrilegious hand, until, in the strong language of Simeon Draper of New York, "no Whig could have the confidence of the administration unless his heel was bathed in negro's blood." The compromise measures, under influences thus openly and fearlessly directed, were soon consummated. The triumphant Slave Power reigned supreme. The friends of freedom, defeated but not disheartened, could only "bide their time," and still struggle on, sustained mainly by their "unfaltering trust" in the ultimate triumph of the sacred cause.

The long, able, and intensely exciting debate, while revealing more than usual the individuality of those who participated in it, and the slight shades of difference resulting from that individuality, was marked by the enunciation of three leading ideas or lines of thought. Clay, Cass, Douglas, Badger, Cooper, John Bell, Sam Houston, and Underwood supported the compromise measures on moderate and patriotic grounds, with a purpose to secure, if possible, the object aimed at in a

conciliatory manner, and to provoke as few and small conflicts as practicable with the feelings, principles, and interests of those they were compelled to oppose.

They were opposed by such men as Hale, Seward, Chase, John Davis of Massachusetts, Dayton, Baldwin, Truman Smith, and a few others, on the broad ground of principle; because their proposed policy came in conflict with the claims of Christian morality, the doctrine of human rights and of free institutions, and because it was hostile to the safety and best interests of the nation. Mr. Benton opposed it, not so much from principle as on the alleged ground that it was both impolitic and incongruous. Besides, with him there were evidently personal considerations, and his characteristic egotism and self-assertion were very apparent. Soulé, Jefferson Davis, Downs, Butler, and Clemens opposed the compromises, because they did not meet their extreme opinions on the subject of slavery, and because of their determined purpose to submit to no measures that did not recognize those views and incorporate them into the policy of the government.

As early as the 25th of March, Mr. Douglas had reported from the Committee on Territories a bill for the admission of California. An unsuccessful motion was soon made by Mr. Benton, but opposed by Mr. Clay, to proceed to its consideration. Nor was it called up again until after the defeat of the compromise bill. It was then taken up, and Mr. Turney, a Democratic Senator from Tennessee, a man of extreme views and feelings, moved to limit the southern boundary of the proposed State to  $36^{\circ} 30'$ , and to extend the line of the Missouri compromise to the Pacific. Though his motion was at first rejected, yet, after several days' debate and the passage of the Texas boundary bill, it was adopted on the 12th of August by almost a two-thirds vote.

A protest was presented by Hunter of Virginia, signed by his colleague and himself, Butler and Barnwell of South Carolina, Atchison of Missouri, Turney of Tennessee, Davis of Mississippi, Soulé of Louisiana, and Morton and Yulee of Florida. They protested, they said, because the right of the slaveholding States to a common and equal enjoyment of the



new State had been denied, and because all propositions had been defeated which had been made to obtain a recognition of their rights to its common enjoyment or to a fair division thereof. They closed with the assertion that the exclusion of slavery from the Territory was fatal to the peace and equality of the States, and "must lead, if persisted in, to the dissolution of that confederacy in which the slaveholding States have never sought more than an equality, and in which they will not be content to remain with less."

Mr. Winthrop of Massachusetts, who had entered the Senate in place of Mr. Webster, immediately raised the question of its reception, and denied the right of Senators to spread upon the journal the reasons that influenced their votes. Mr. Benton grappled with the doctrines of the protest itself. He denounced it as a sectional protest. "We have seen," he said, "sectional meetings of members of Congress, sectional declarations by legislative bodies, sectional conventions, sectional establishments of the press here, and now the introduction of this protest, also sectional, and not only connecting itself in time and circumstances, but connecting itself by its arguments, by its facts, and by its conclusions, with all these sectional movements." He considered it a part of a system, a link in a chain of measures, all tending to the dissolution of the Union; and he protested against entering upon the journal "the portentous measure," from which such calamitous events might flow. After a debate of two days, the protest, on motion of Mr. Norris of New Hampshire, was laid on the table by three majority. Nor did resistance end with this protest. When John C. Fremont and William M. Gwin, Senators-elect, presented their credentials, twelve Southern Senators made objection, and voted to refer them to the Judiciary Committee.

This incoherent as well as lawless course of the slave propagandists and the too obsequious government were illustrated by the course pursued in regard to New Mexico and its boundaries. Texas, claiming the Rio Grande for its southern boundary, though that river included an immense territory over which it had never exercised any jurisdiction, was calling

upon the general government for an armed force to defend her frontier against the Indians, while it was at the same moment threatening to send troops to enforce her authority in New Mexico against Federal jurisdiction. It is stated by Thomas Ewing of Ohio, member of General Taylor's Cabinet, that President Polk issued an order on the last night of his Presidency directing the military commandant in New Mexico to surrender the Territory to Texas whenever the authorities of that State should demand it. The order was discovered in the summer by a member of the Cabinet, and the President's attention called to it at one of its meetings. Turning to Mr. Crawford, Secretary of War, he said: "Revoke the order at once, and direct the commandant to defend the country and people against all who may attack or assert dominion over them, whether Navajoes or Texans, until Congress or the Supreme Court shall order otherwise." Mr. Ewing states that the order was at once issued; and though Toombs, Stevens, and other Southern leaders endeavored to persuade him to revoke it, and restore that of Mr. Polk, their request was peremptorily refused. When asked what he would do if Texas should send an armed force to take it, he replied that he would defend it with all the means in his power,—a purpose on which Toombs remarked: "The worst of it is, he will do it." When the compromise bill was pending, Mr. Benton, who was unquestionably better informed in regard to the geography and physical characteristics of the Territory whose boundaries were then the subject of dispute than any other public man, declared that the line fixed upon in that bill "cut off the legs of New Mexico and amputated her at the hips."

On the 5th of August, Mr. Pearce of Maryland introduced a bill proposing the establishment of the northern and western boundaries of Texas, and the payment of ten million dollars for the relinquishment of her claims on New Mexico. He avowed himself to be one of those who did not believe in the validity of the Texan claim; but he felt it to be his duty to regard with much deference the opinions of other Senators. He therefore very inconsistently, not to say profligately, proposed to settle the boundaries in such a way as to give to

Texas several thousand square miles which really belonged to New Mexico and ten million dollars for the relinquishment of her unfounded pretensions. This proposition owed much of its significance, however, to the fact that Texas bonds had at that time only a speculative value, and had been sold as low as seventeen cents "upon the dollar." The next day, a message was sent to Congress by the President covering correspondence with Texan authorities, and recommending "an amicable adjustment and immediate settlement of their claims" by allowing an indemnity to Texas, "not unreasonable and extravagant, but fair and liberal."

This bill was pressed with great vigor, and on the 9th of August it passed the Senate by a majority of ten. When it reached the House, Mr. Giddings seized the earliest moment to declare his unalterable opposition to its passage. It relinquished, he said, to Texas and slavery, forty thousand square miles lying within the ancient boundaries of New Mexico. He referred to the rumor that it was to pass by the votes of Northern Whigs, who, he reminded them, had always denied that Texas had any claim to New Mexico. He asserted that Mr. Webster was the master spirit of the administration, and had "stamped his image and superscription upon its policy." He referred, with expressions of mingled mortification and alarm, to the zeal and co-operation of Southern members, and to the divided and paralyzed condition of those from the North, seemingly incapable of any united and vigorous effort.

On the 4th of September, Mr. Boyd of Kentucky submitted an amendment providing a Territorial government for New Mexico. The bill was referred to the committee of the whole by a majority of two. This was considered equivalent to its rejection; though, on motion of Hiram Walden of New York, the vote was reconsidered by the same majority. Mr. Boyd's amendment was then rejected by a majority of eight, and the bill refused a third reading by forty-six majority. He then moved a reconsideration of the vote by which the bill was lost; and, pending the vote, the House adjourned amid great excitement. The next day the reconsideration was carried by a decisive majority, and the vote defeating the amendment to



organize a Territorial government was reconsidered by a majority of seven. It was then moved by Mr. Toombs to amend the amendment so as to provide that the Constitution, the statutes of the general government, and the common law existing in the British colonies on the 4th of July, 1776, should be the exclusive law of the Territories on the subject of slavery. John Wentworth, a Democratic member from Illinois, moved to so amend that amendment as to exclude slavery from all territory acquired from Mexico by the treaty of Guadalupe-Hidalgo. But his motion was lost by a majority of forty-one. So much, too, of Toombs's amendment as made the Constitution, statutes, and the common law the exclusive laws on the subject of slavery was also rejected. Boyd's amendment was agreed to by seven majority, and the bill, as amended, was defeated by a majority of eight.

Mr. Howard of Texas moved to reconsider the vote; but the Speaker ruled the motion out of order. Mr. Howard appealed, and the House adjourned. The next day, the Speaker declaring the reason of his decision to be the fact that the vote had already been reconsidered, Mr. Howard maintained that the rule applied to the substance, and not to the mere name, and that the bill had been so changed by its amendment as not to be in reality the same. The decision of the Chair was reversed by a majority of forty. The bill was then reconsidered by thirty-eight majority. Mr. Morris of Ohio called for the reading and enforcement of the rule excluding persons from the floor of the House, expressing the wish that Texan bondholders would take notice of the fact. The bill was then passed by a majority of eleven.

Mr. Giddings, ever watchful and observant of the action of Congress touching slavery, states that no person not present could form a correct idea of the scenes presented during the three days on which that measure was pending. Many members felt that the appropriation was a robbery of the Treasury for the benefit of Texas and the holders of her bonds. Southern members tauntingly declared that they could carry any measure "that put money in the pockets of Northern members." Texan scrip, which had so rapidly appreciated during

the pendency of the measure, instantly, on its passage, rose to par value. How much influence those bonds exerted in the passage of the boundary bill and kindred measures can never be known. Many who bore an honorable part in that great struggle then entertained, and continued to entertain, the conviction that some of their associates in both Houses were actuated by corrupt motives. The extraordinary action and conflicting votes on a measure so radical in its nature, so distinctly defined, and so clearly apprehended, can never be fully explained on any other theory.

The separate measures of the Omnibus Bill, if "incongruous," were so far alike that they breathed the spirit of both slavery and compromise. It was their design to save both. Nor was there any very good reason why the same body which rejected them "in the lump" should have accepted them in detail, except the fact that, in the then chaotic and substantially revolutionary state of the public mind, men could be successfully dragooned or persuaded to support the parts, each by itself, who shrunk from them combined into one comprehensive whole. Indeed, so homogeneous were these measures practically regarded, in more than one instance the passage of one prepared the way for another.

This was the case in the passage of the Texas boundary bill, which, with its ten million dollars, rendered easy the passage of the other compromise measures. The Senate had followed it by the prompt passage of the bill for the admission of California, and then by bills for organizing Territorial governments for Utah and New Mexico, though an effort made by Mr. Chase to incorporate the Wilmot proviso into the Utah bill was defeated by a majority of five.

On the 7th of September, the next day after the passage of the Texas boundary bill, the House proceeded to the consideration of the bill for the admission of California. It had been violently and persistently opposed for more than six months; but the passage of the ten-million bill had so mollified the South and united the North, that, with scarcely a word of debate, it passed on the same day by a vote of one hundred and fifty to fifty-six.

The Utah bill was then taken up. The first section provided that, when admitted as a State, it should be with or without slavery, as its constitution should prescribe. Mr. Stevens of Pennsylvania moved to strike out that provision, but his motion was lost by a majority of twenty-seven. The Wilmot proviso was moved by Mr. Wentworth of Illinois, but it failed of a majority by nine votes. It was then moved by Graham N. Fitch, a Democratic member from Indiana, that the Mexican law prohibiting slavery should remain in full force in the Territory. John S. Millson, a Democratic member from Virginia, moved to amend the amendment, providing that no law or usage in the Territory should destroy or impair any rights of property or any relations of persons recognized in any of the States; but his amendment was rejected by a large majority. Mr. Seddon, of the same State, denounced the vote on Millson's amendment, and declared that it showed "the pretence of non-intervention to be a mere sham, — a trap to catch easy, credulous compromisers of the South."

The Southern members were now divided into two hostile factions, and they were beginning to manifest considerable bitterness of feeling toward each other. Mr. Toombs took fire at the remarks of Mr. Seddon. He affirmed that, if any outrage had been committed on the South, it had been through the agency of her own sons. It was then moved by Seddon, that, previous to the formation of a State constitution, there should be no prohibition of the immigration into it of any citizens with property recognized as such by the laws of any State. In support of his motion, he made an extreme Southern speech, in which he said the slaveholding States on any other issue would be lowered from their proud position and dignity. Toombs replied sharply, avowing his readiness to go before the people of the South upon the question that divided them. Mr. Brown of Mississippi, simulating apprehension of Southern defeat, advised his friends to yield gracefully, and go to the people, closing with the declaration: "So help me God, I am for resistance." Mr. Welborn of Georgia made an unsuccessful attempt to have an amendment adopted author-



izing the Territorial legislature to protect slavery. Similar amendments proposed by Fitch and Seddon were defeated, and the bill was passed by twelve majority. As the Senate bill for the organization of the Territorial government of New Mexico, without any inhibition of slavery, had been incorporated into the Texas boundary bill, and that amendment had been concurred in by the Senate, Territorial governments were thus provided for Utah and New Mexico with no restriction upon slavery ; and the South was again triumphant.

From this maze of stormy debate and conflicting purposes, of propositions and counter propositions, of amendments now rejected and now adopted, measures defeated in mass and triumphant in detail, the very history of which bewilders by its complexity, there is deducible not only the humiliating fact that craft, courage, and combination in the wrong were too much for timidity, indecision, and divided counsels in the right, but a tolerably clear perception may be gained of the fiery trial of principle and patriotism through which the true men of that day were called to pass. To decide correctly, maintain an inflexible adherence to principle, and fealty to the primal truths of human rights and free institutions, the patriotic and freedom-loving men of that day were compelled not only to confront threats of treason and civil war, to see the majority of Northern men wavering around them, generally in the name of patriotism and in the assumed interests of peace, but to listen to most thrilling appeals to their love of country, to their veneration for the memory of the fathers, and to their generosity toward their brethren who, it was claimed, were only involved in a system entailed by a common ancestry.

Perhaps nothing exerted a more demoralizing influence upon Congress than the course of Mr. Clay. So ready was he to change, so oblivious of moral considerations did he appear, with his determined purpose to effect some compromise of the pending questions, that he altered his course and presented new propositions no less than five times during that debate. It followed, then, naturally, as a consequence of his great personal popularity, his traditional and magnetic power over men, that they who had so long looked up to him as their trusted

leader and guide should be bewildered by a policy so tortuous and unprincipled.

To add to the general bewilderment and demoralization that prevailed, the Southern extremists were abandoning their vamping and abstractions, and were rapidly approaching, in words at least, toward open and avowed treason. Indeed, in the debate on the admission of California, Mr. Clemens of Alabama announced the baldest doctrines of secession. Alluding to the prospective action of his State, he said, "I am the servant, not the leader, of the people. Whatever they shall do I shall do, in spite of executive menaces and of all the bloody pictures other hands may exhibit to our view. If she determines to resist the law by force, by secession, by any means, I am at her service, in whatever capacity she desires to employ me. If this be treason, I am a traitor, — a traitor who glories in the name." He denied that the general government had any right to coerce a sovereign State. "Individuals," he said, "not States, are the subject of coercion." In this language was clearly foreshadowed the doctrines of secession and State inviolability, which culminated ten years later in the Rebellion, and which became the accepted creed of that great treason. Indeed, no careful reader of these debates can fail to detect the lurking and growing disloyalty of the Southern mind, and to learn that rebellion and civil war had become even then only a question of time. The elements of disunion were there, and it only needed the electric contact to produce the explosion. The power of cohesion was becoming weaker and weaker, and there was wanting only some sudden quickening of the repellent force to rend asunder the national fabric. Passion and prejudice had existed for long years, and there was required only the exasperating touch of some special cause of angry discontent for them to become madness and frenzy, whose frantic cries drowned not only the monitions of conscience and reason, but the clearest dictates of ordinary prudence and common-sense.

In June of that year, Mr. Toombs made the strangely extravagant declaration that the political equality the South demanded was worth a thousand unions, even if each union



was a thousand times more valuable than the present Union. "Deprive us of this right," he said, "appropriate this common property to yourselves, — it is then your government, not mine." In the same spirit he made a similar declaration seventeen years later : "I am its enemy, and I am willing, if I can, to bring up my children and my constituents to the altar of Liberty, and, like Hamilcar, swear them to eternal hostility to your foul domination. Give us our just rights, and we are ready, as heretofore, to stand by the Union, every part of it and its every interest. Refuse it, and I, for one, will strike for independence." This declaration and the cries of "Good !" revealed clearly the temper of the times.

Mr. Holmes of South Carolina made an impassioned speech, not only defending the right and expediency of secession, but boastfully vaunting the power of the Southern States to maintain it ; while he drew, in dark and forbidding colors, the future condition of the North, New England especially, predicting that its doom would be that of Venice, Palmyra, and other cities of the Old World, whose glory and prosperity must be numbered among the things that were. Mr. Morse of Louisiana expressed the desire for something more substantial than complimentary votes. "A union," he said, with daring and shameless effrontery, "is not worth a curse as long as distinction exists between negroes and horses."

Nor were threats of disunion confined to the floor of Congress, or to the columns of an inflammatory press. There were movements of a more general character in the same direction. While this debate was in progress in Congress, a call was issued for a convention ; and in June such a convocation was held in Nashville, Tennessee, composed of representatives of a portion of the Southern States, and convened to consider the questions at issue between the two sections. Though not so avowed, it was generally regarded as disunion in sentiment and purpose. Judge Sharkey presided. In its address were noted, as grounds of solicitude, if not of complaint, the facts that the North did not recognize the inferiority of the African to the Caucasian race ; that its sympathies were not naturally with the South ; and that, if the South



yielded, everything was lost. It declared that "a sectional despotism, totally irresponsible to the people of the South, constituted of the representatives of the non-slaveholding States, ignorant of our feelings, condition, and institutions, reigns in Washington." It was clear, it maintained, to the dullest vision, that the South was "in subjection to an intolerable, detestable, sectional despotism." It expressed a willingness to extend the line of the Missouri compromise to the Pacific. It adjourned to meet again in November.

Its adjourned meeting was held at the time appointed, and continued in session a week. But it was inharmonious, and it failed to agree upon a common platform. Its members found it easier to dissent from accepted doctrines of friends and supporters of the Federal government, than to agree among themselves. Langdon Cheves, a man of extreme views, affirmed, in speech and resolution, that the only remedy for the South was secession by the joint action of the Southern States. "We can scatter our enemies," he said, "like autumnal leaves. California will become a slave State, and we will form the most splendid empire on which the sun shines." Before adjourning, the convention adopted resolutions condemning the acts of Congress, affirming the right of secession, and recommending a general congress of the Southern States. There was also a meeting at Washington of the more violent of the Southern members of Congress, for the purpose of concentrating and giving expression to their extreme opinions, and also of combining their forces in opposition to the admission of California.

Though the Nashville convention and this meeting of the Southern members of Congress did not accomplish all their sanguine movers aimed at, they indicated very clearly the state and drift of the Southern mind; and, taken in connection with the debates in Congress, revealed the wide-spread feelings and sentiments of defection, the gravity of the issues at stake, the dangers which threatened the peace and prosperity of the nation, and the practical difficulties of the hour.

The language of Mr. Soulé of Louisiana, though less defiant, was no less calculated to disturb the public mind in its

excited state of restless apprehension ; and all the more from the fact that he had been regarded moderate in his opinions, and less extreme of purpose. But he had yielded to the sectional pressure, and consequently his words seemed more pregnant and suggestive. On the simple resolution to admit California with her own freely selected constitution he said : “ But, sir, we have gained something by bringing the question, in all its nakedness, to the test. It is now undisguised, unmasked. There it stands alone, without any seeming object of compromise or adjustment. This measure will pass, I have no doubt ; but its consummation will be the consummation of one of the most grievous, the most revolting, and the most unjustifiable wrongs that can be inflicted upon a people, living, as we do, under a constitutional compact which proposes to establish justice and promote the general welfare. It will remain a monument of legislative recklessness and oppression ; it will shame history to record it. Sir, I do not wish to heat, by any remarks of mine, the excitement which already prevails to such an alarming extent throughout the country. God alone knows to what a pitch it may reach when the official gazetteer shall proclaim to the nation, as the law of the land, the accursed measure which, in the madness of your impatience, you seem so eager to pass.”

More potent, however, than menaces were appeals to the finer feelings, — the love of country, veneration for the past, grateful memories of former favors, and fraternal regard for the descendants from a common ancestry, the heirs of a common heritage. Of that class perhaps the most effective were those of Mr. McDowell of Virginia. He had distinguished himself by his eloquent plea for emancipation in the Virginia convention in 1832, and had acquired a national reputation by his ardent patriotism, his broad and statesmanlike views in pleading for the best interests of his own Commonwealth, his genial manners, and his fascinating oratory. When, therefore, near the close of that great debate, on the 3d of September, he felt constrained to make the appeals which fell from his impassioned lips, there is little wonder that his words made a profound impression.



“Whatever the opinions,” he said, “I have expressed or entertain upon the institution of slavery in the abstract, I have never doubted for a moment that, as white and black races now live together in the Southern States, it is an indispensable institution for them both.” Asserting that emancipation would lead, “through the heart-burnings and passions of human nature, to a war of colors, the bloodiest and cruelest of all wars,” he contended that a servile condition was “the only happy and suitable one for themselves or their masters.” He said the Wilmot proviso destroyed “all equality between the citizens of the slaveholding and free States,” and therefore could be insisted on only by disregarding the spirit and purpose of the compact between them. He appealed to Congress, therefore, “to relieve the South from the flagitious wrong which the ‘proviso’ threatens against her.”

Leaving the domain of argument, which he presented in a variety of forms, and ascending into the higher regions of the sensibilities and of moral obligation, he appealed to the fraternal feelings which had hitherto existed, and to the grateful memories of the years when they struggled against a common foe, for the cultivation of a common heritage, and the upbuilding of the fabric of a national unity. Proudly referring to the prominent part performed by Virginia, and the sacrifices she made for the common weal, he asked: Shall all this be forgotten? “Whatever that Union or country is,” he said, “whatever the peace it has bestowed, whatever the developments of happiness and energy it has encouraged, whatever the radiance it had shed upon the principles of human government, whatever the power of organization and defence it has given to the spirit of freedom among the masses of mankind, whatever the throbbing heart of liberty it has lit up in the heart of the world,—whatever in these and all things else that country is, it is the common offspring of the cares, contributions, counsels, and labors of you both. . . . Who of us,” he demanded, “without the putting forth of every faculty of soul and body to prevent it, could see it go down, down, under some monstrous struggle of brother with brother, an eternal crush upon ourselves, an eternal example for the shuddering, the admonition,



the horror, and the curse of universal man? . . . . In this hour, so full of interest, our mother country comes into our very midst, and, taking each by the hand, says to each, ‘ Son, give me, give *me* thine heart.’ Can we not give it, freely, proudly give it all?” Referring to the dying exclamation of Lieutenant Hale, executed as a spy in the Revolution, — “ O, it is a bitter, bitter thing to die ; and how bitter, too, to know that I have but one life to live which I can give to my country,” — he exclaimed : “ Give us only this spirit for our work here,” and it shall be “ crowned with a long futurity of thankfulness and rejoicing.”

With such appeals sounding in their ears, it is not so very strange that the words “ union,” “ patriotism,” too often became the synonymes of hostility to human rights, and that the words “ liberty ” and “ emancipation ” fell into disrepute and became the objects of popular distrust and hate. Sharing, too, in the prejudice against the oppressed race, and becoming more and more aware how indissolubly slavery was linked with the very existence and fortunes of the republic, it is not as wonderful as it is distressful that such a man as Mr. Winthrop should make the sacrifice of consistency in voting for a bill giving to Texas tens of thousands of square miles, then free, to become slave territory, and millions of dollars for which, he admitted, she had no just claim. His apology, too, for such action, did much to discourage the wavering and embarrass those who aimed to be true to their convictions and faithful to the best interests of the country. “ If I should vote for this measure,” said Mr. Winthrop on that occasion, “ I feel that it is one of the largest concessions I can make to that spirit of conciliation and forbearance which I have ever been disposed to cherish in regard to these sectional subjects. It will be from the most earnest desire to remove every cause of contention from our midst, and to restore harmony and concord to our country and to its public councils. It will be from a devoted attachment to this Union, and from a willingness to sacrifice to its preservation everything, — everything but principle.”

## CHAPTER XXIV.

### COMPROMISE MEASURES OF 1850 (*continued*).

Fugitive slave laws a necessity of slavery. — Provision therefor in the Constitution. — Law of 1793. — Fugitive Slave Act introduced by Mason. — Amendments of Webster and Dayton. — Of Pratt. — Jefferson Davis. — John Davis. Underwood's substitute. — Speech of Winthrop. — Passage of bill in Senate. — Introduced into the House. — Previous question. — Passage. — Bill for abolition of slave-trade in District of Columbia in the Senate. — Speeches of Hunter, Clay, Downs, Pratt. — Amendment of Seward. — Debate. — Act passed. — Introduced into the House. — Adopted. — Suggestion of Thaddeus Stevens. — Slave Power victorious. — Friends of freedom not disheartened. — Speeches of Hale and Julian.

THE desire of slaves to escape from their condition of servitude was natural and inevitable. Provision must therefore be made to guard against its influence and to prevent such escapes. This provision could not, however, be made without mutual co-operation. It was simply impossible for the owner of a single slave to maintain a watch so constant and unintermitted as to prevent his escape. Much less could it be done when one became the owner of scores or hundreds. Slavery, therefore, necessarily became a social matter, and men were obliged to join hand and hand in its guilt, or to relinquish it altogether. Accordingly, when the Constitution was formed, the slave-masters imperiously demanded and obtained an article recognizing that necessity and providing for its relief. The iniquity of striking hands with the oppressor was then "framed into law," and at the very outset the government pledged itself to this ignoble and wicked service. The same motives, too, which required its enactment, were always present, not only to demand its enforcement, but to increase the stringency of its provisions. But such hard and cruel provisions were as much at war with the humane and Christian principles of Northern men as with the comfort, safety, and rights of their Southern victims. It was not strange, there-

fore, that the increasing numbers of these human chattels, who were reasserting their claims to themselves, were finding friends to help them on toward the north star and freedom, and that, from time to time, Congress was besieged with petitions and appeals to render this provision of the Constitution and the fugitive-slave law of 1793 more stringent and effective. But no additional legislation was actually secured until it was incorporated with the compromise measures of 1850.

Early in January, 1850, Mr. Mason had introduced a bill to provide for the more effectual execution of the clause of the Constitution for the rendition of fugitives from service. This had been referred to the Judiciary Committee, and Mr. Butler had reported the bill, with some amendments. But it had been laid upon the table; nor was it called up again until the 19th of August. Mr. Mason then offered an amendment, in the shape of a substitute for the original bill, containing eight sections, which was afterward substantially adopted.

In the explanations given, it appeared that the bill proposed by the committee of thirteen had been incorporated into the amendment proposed by Mr. Mason. It was remarked by Mr. Cass that in the committee the general wish was expressed to retain the main features of the act of 1793, which had been in force for sixty years, and of which the four leading provisions were, the right to arrest the fugitive where found, the right to take him before a magistrate when arrested, the duty of the magistrate to examine the case and commit him to the custody of the master, and the right of the master to remove him. He desired that this law should be continued, and that any additional features deemed necessary should be added as amendments. Mr. Webster had prepared a provision giving to the fugitive a jury trial. Mr. Dayton offered an amendment which, he said, was substantially the same that had been prepared by Mr. Webster. A sharp debate sprang up between Mr. Mason and Mr. Dayton on the necessities of the case, the relative merits of their respective amendments, and the difficulties interposed by the public sentiment to jury trials.



Mr. Chase said he should vote for the amendment, though he presumed it would not satisfy the friends of the measure, as it seemed to be taken for granted that but one class of rights was to be regarded,—“the rights of masters.” He admitted that difficulties had arisen; but he thought they had resulted from attempts to seize alleged fugitives without any process. To this Mr. Mason replied, “It is perfectly lawful to do so.” Mr. Dayton’s amendment was rejected by a vote of more than two to one. Mr. Chase offered an amendment, which Mr. Mason characterized as a plan to “substitute a trial by jury on the question of claim or no claim”; but it was rejected without a division. An amendment was then offered by Mr. Winthrop of Massachusetts, which Mr. Mason asserted involved “the admission of the testimony of the alleged fugitive”; and that, too, was rejected.

The debate was renewed on the 20th, when Mr. Pratt of Maryland offered an amendment, the purport of which was, in the language of the mover, to “provide, if the United States do not pass a law sufficiently efficient to carry out the obligation, on the part of the Federal government, to deliver to the owner his slaves when they escape, that it shall pay the owners out of the coffers of the national treasury for the non-compliance with this obligation.” This amendment was fitly characterized by Mr. Butler as “a proposition to make the government an underwriter, to repair the losses of the losers of slaves.” In the course of the debate much was said of the difficulty of executing laws which are in conflict with the popular sentiment. Mr. Pratt denounced a sentiment which Mr. Seward had uttered not long before in Ohio. Referring to the laws which required the surrender of the fugitive slave at his fireside to his relentless pursuer, the Senator from New York had said: “Reform your own code, extend a cordial welcome to him who lays his weary limbs at your own door, and defend him as you would your household gods.” Mr. Pratt thought little harmony could exist in the country where such counsels were given by men high in station. His amendment was, however, lost by a large majority.

On the 23d, Mr. Underwood of Kentucky moved to strike

out all after the enacting clause, and to substitute a new bill which he had prepared. It was condemned by Mr. Mason, who characterized it as but little more stringent than the law of 1793; and it was rejected. Various amendments were offered, among which was one by Jefferson Davis, that was subsequently adopted, making the government responsible for the expenses of the slave's delivery. Another amendment was agreed to, on motion of Mr. Mason, imposing a fine of one thousand dollars upon a marshal who should neglect to use all proper means for the arrest of the fugitive, and making him responsible for his full value, if he should escape, with or without his assent.

Mr. Davis of Massachusetts then offered an amendment to the effect that, in case colored seamen should be imprisoned in Southern ports, it should be the duty of the United States district-attorney to sue out writs of *habeas corpus*, and the duty of the United States judges to hear such cases. He then fully presented the facts and the treatment which Mr. Hoar, as the agent of Massachusetts, had received. He showed that this outrage was all the more aggravated by the fact that he had not been appointed until after two unavailing attempts had been made to secure the services of lawyers in Charleston to bring such cases before the United States courts. He commented on the conduct of the citizens of Charleston, and upon the action of the legislature of South Carolina in passing a law denying the writ of *habeas corpus*. "There," said Mr. Davis, "the question stands, from that day to this. The doors of the courts of justice stand closed, and apparently forever closed."

Mr. Winthrop then made a brief but very cogent speech, reminding the Senate that the subject was not a new one; that William Wirt, as Attorney-General of the United States, had pronounced those laws unconstitutional; and that the time had not long elapsed since colored persons had been regarded not only as citizens, but as voters in several of the Southern States. The amendment was lost by a vote of thirteen to twenty-four, and the bill was passed, only twelve voting against it. The fact that only thirteen could be found to vote

for an amendment in which the rights of Northern freemen were so intimately involved certainly betrayed the strength of party discipline and the strangely craven spirit of the Northern members, who could thus ignore the claims of their own constituents and bow their necks to the haughty and domineering policy of the Slave Power. There were twenty-one members, too, of the Senate, who did not vote either for or against the measure. Mr. Benton states that most of those Senators would have voted to amend the act of 1793, in order to render it more efficient; but that a class of members, constituting themselves the particular guardians of the slave States, and claiming to lead and control all things in their own way, had made "a complex, cumbersome, expensive, annoying, and ineffective bill," which he and others declined to support. This action of one third of the Senate upon a measure so vital in its effects, not only upon the slave, but also upon free persons of color, as well as upon the entire people of the Northern States, was a weak and wicked shirking of responsibility, a pusillanimous shrinking from the discharge of legislative duty, indefensible and humiliating.

On the 12th of September the bill was taken up for consideration in the House, and James Thompson, a Democratic member from Pennsylvania, who, previous to his election, gave antislavery pledges,—which, however, he did not keep,—spoke in its favor; and then, "for the sake," as he said, "of giving the House the fullest opportunity to test its sense of the bill," moved the previous question, which was sustained. All debate being thus cut off, the bill was passed by a vote of one hundred and nine to seventy-six. Thirty-three Northern members were absent, or, in legislative parlance, "dodged" the vote. A smaller proportion, indeed, than in the Senate proved recreant to their trust, but enough to reveal the sad demoralization of that body. Thirty-one Northern members voted for that cruel, abhorrent, and wicked measure. Among this number were three Northern Whigs, Edward W. McGaughey of Indiana, John L. Taylor of Ohio, and Samuel A. Eliot of Massachusetts. John J. Crittenden, the Attorney-General, gave a written opinion in favor of its constitution-



ality, when it received the executive signature and became a law. Thus summarily and precipitately was consummated that act which carried so much alarm, anxiety, and sorrow into the humble homes of the colored people, both fugitive and free, and which caused so much indignation and concern among the humane and conscientious of the land.

On the 3d of September the Senate proceeded to the consideration of the bill authorizing the city authorities of Washington and Georgetown to abate the traffic in slaves brought into the District of Columbia for sale. Though this was the only one of the compromise measures that favored freedom in the least, it did not propose to interfere with the traffic between the inhabitants themselves. They could still sell their slaves to each other, or to such as desired to take them from the District. Mr. Hunter made a long speech in opposition, in which he not only enunciated his own extreme views on the subject of slavery, but exposed the inconsistent and untenable position of those who exhibited so much virtuous indignation against the traffic in slaves, while they defended the system which made it. He represented the bill as "one of a series of measures which must end in the abolition of slavery in the District." He denied its constitutionality, and its justice as well. He then went into an earnest defence of the slave-trade, both foreign and domestic. He admitted that there were cases of hardship; but he made the strange declaration: "I do not believe that the slave-trade between the States has worked, upon the whole, a wrong. But, on the contrary, I think I can show that it has been the source of great benefit, not only to the whites in those States, but particularly to the slaves themselves;" while of the foreign slave-trade, and the efforts to suppress it, he said: "I think this but another instance of the mischief which has so often been done by what I call sentimental legislation." He alluded to the inconsistency of allowing the trade between the States and of prohibiting it in the District. And he made the unanswerable point: "If it be wrong to sell a slave from another State in the District, it is wrong to do so in Virginia; if it be wrong to sell from one State to another, it is wrong to

sell a slave from one man to another." "Yes, sir," he said, "if all these things be wrong, it will not be difficult to show that the institution of slavery cannot be right."

Mr. Clay replied, maintaining the constitutionality of the bill. He recognized the fact that the slave-trade, which the gentleman had just defended, "has met with the almost unanimous detestation of mankind"; while of the "sentimental legislation," of which Mr. Hunter had spoken, he said, "My opinion is that all legislation should be the result of both the head and the heart."

Mr. Downs moved to postpone further consideration of the subject, on the ground that the whole session had been taken up with the subject of slavery, without giving attention to anything else; but his motion was rejected. Mr. Pearce then offered an amendment providing that any one inducing or aiding a slave to escape shall be imprisoned not more than ten nor less than two years; that any person convicted of aiding a slave to escape shall pay to his owner his full value; and that the authorities shall have power to prevent the coming in of free persons of color, and of ejecting those now in, not conforming to regulations that had been or might be adopted.

A long debate here sprang up between Pratt, Mason, and Clay, upon the actual state of the laws in the District as affected by the laws of Virginia and Maryland; in which Mr. Clay remarked, that, whatever the laws might have been, one fact was plain, — the traffic of slaves was now carried on in the District. Mr. Mason made this singular and extraordinary admission, for an ultra defender of slavery as he was: "None can condemn more than I do the practice which has been denounced here and elsewhere of dealing in slaves." There were quite a number of amendments offered and debated, some being rejected and others adopted, none, however, greatly affecting the principles of the bill. Unlike the other measures of the compromise, it received support from both sections of the country, since it was the only one in which freedom was not the loser.

An amendment was introduced by Mr. Seward, which

proved an exception and which caused a spirited debate. It was in the form of a bill abolishing slavery in the District, appropriating two hundred thousand dollars for compensation, and providing for an election to ascertain the will of its inhabitants. Mr. Mangum said: "There has been no time within twenty-five years I would not have voted for the abrogation of the slave-trade here. . . . I have now changed my course. I shall not vote for it. I am satisfied, from developments that are made, that it is impossible to satisfy certain gentlemen. To attain their objects, they would wade through the blood, knee deep, of the whole South, and over the wreck of the Union."

Mr. Dawson did not know how much importance should be attached to the motion. "It might be," he said, "an emanation of disappointed political ambition,—mere effort to hold on to one plank in the wreck of a recently established political platform and to save a sinking party." Mr. Dayton thought the amendment "a crude, ill-digested, and hastily considered affair," and he should vote against it. Mr. Atchison of Missouri called attention to the fact that the gentleman from New Jersey refused to vote for the amendment, not because he was opposed to it on principle, but because it was ill-timed. Mr. Chase said there had been unnecessary feeling, though he admitted that he shared in the idea that "this bill is a step toward the abolition of slavery itself, and gentlemen deceive themselves if they suppose this is the last step."

Mr. Foote considered it "a proposition to dissolve the Union," though he thanked Heaven that it had no prospect of success. "Faction," he said, "driven to the wall, fanaticism permanently detached from politics, our Republican institutions are gloriously triumphant over all enemies, secret and open." Mr. Winthrop replied very effectively: "If I vote against this amendment it will not be because I regard it a proposition to dissolve the Union. If the emancipation of a few hundred slaves on this little patch of territory which you may almost cover with your pocket-handkerchief, can be an entering wedge to rive this vast Union asunder, it must be the operation of some awful and mysterious principle, and not



the operation of the act itself." He proceeded at some length, arguing its constitutionality; but he regretted the introduction of the amendment as a crude and unseasonable proposition, indiscreet, ill-digested, and impracticable; not only sure to be rejected itself, but liable to defeat the bill, which certainly was a good to be desired.

The next day Mr. Seward stated his reason for introducing his amendment, which was that the bill for the abolition of the slave-trade introduced by the committee of thirteen had been so changed by amendments that he could not vote for it. Being assured that the bill would probably pass in its original shape, he would withdraw the amendment; but as unanimous consent was necessary, and that was refused, he could not do it. He proceeded to defend his amendment on the ground that it was an eminently proper act, constitutional and opportune; for he believed that "for the performance of such a duty the first time and the first occasion which offers is the right one." Mr. Butler could but regard the bill of the committee as really tending to the general abolition of slavery as Mr. Seward's amendment. "It is not the entering wedge," he said, "that generally splits the timber; but it prepares the way for the final effect."

An acrimonious debate was carried on during the day, in which a sharp colloquy sprang up between the Senators from New Hampshire concerning certain resolutions of its legislature. Mr. Hale rejoiced at the opportunity to vote, in accordance with the instructions of his constituents, for the abolition of slavery in the District. He said that others might wear all the honors and all the laurels to be acquired by compromising; but he desired to associate his humble name with all the odium, the reprobation, the abuse, and the calumny that belonged to the avowal that he was ready to vote for the abolition of slavery in the District of Columbia. John Bell expressed the conviction that slave property in the District had diminished in value by the large accession of free people of color; and he thought that, under the circumstances, very stringent legislation was required for the security of that kind of "property." He thought if slavery was abolished in the District, agitation

would be renewed, and the fires of controversy would be re-kindled so long as the District was left open for the admission and residence of free negroes. "It will soon come to pass," he said, "that Congress itself will not find it convenient, if safe, to sit here, beset and surrounded by an overgrown population of colored inhabitants, degraded in caste, and for the most part idle, vicious, and mischievous."

Mr. Butler attacked the free States in their vulnerable point, their unjust discrimination against color, and asked whether colored citizens of Massachusetts were allowed to serve in its State militia or on its juries. The remainder of that and the most of the next day were occupied with a debate on the imprisonment of colored seamen in Southern ports, in which Mr. Winthrop bore himself with dignity against the assaults of several Southern Senators, and met their arguments and criticisms with force and eloquence. Mr. Seward's amendment was rejected, and the question was taken from the committee of the whole and reported to the Senate.

Mr. Clay said he hoped the Senate would not agree to Mr. Pearce's amendment, though reported from the committee. He made an earnest appeal to his Southern friends to support the bill. As this was one of a series of compromise measures, and as the others had passed by Northern aid, concerning this, on which their friends of the free States were sensitive and solicitous, he contended that they should consult their wishes and repay them for their concession. A very able debate ensued. Mr. Hale pointed out the cruel provisions of Mr. Pearce's amendment, and maintained that any person might be convicted and sent to the penitentiary for not less than two years for reading to his slave the Declaration of Independence, or the simple account of the advent of Him who came to preach deliverance to the captives and the opening of prison-doors to them who are bound.

Mr. Badger replied, admitting and vindicating the fact that such a person might be convicted for reading to his slave the Declaration of Independence. Mr. Ewing strongly opposed the amendment. He averred that his judgment revolted against it, that it was wrong, that it offended the moral

sense of men who looked upon it without any personal interest. Mr. Mason asserted that this discussion had about convinced him that the North was not willing to carry out in good faith the necessary regulations which slavery required, and that the incompatibility between the two sections was too great to allow them to live together under a common government. The question finally reached a vote, and the amendments were rejected by the small majority of four. The question was then taken on the engrossment of the bill; and on the 16th of September, 1850, it was carried by a vote of thirty-two to nineteen.

The bill was reported to the House on the 17th. Mr. Brown of Mississippi offered the Pearce amendment, but it was rejected by forty-one majority, and the bill was passed by a majority of sixty-five, a number of Northern Whigs dodging the vote. Thaddeus Stevens immediately arose and gravely made the suggestion, the grim humor of which spoke volumes of unwritten yet most unwelcome history, that the Speaker send one of his pages to inform those members that they could return with safety, as the slavery question had been disposed of.

The measures which were to heal the "five gaping wounds" of the country had now been adopted. The compromisers had achieved a complete victory, and the champions of the Slave Power thought they had settled for years the disturbing questions growing out of the interests and necessities of slavery. They were exultant over victories already won, and looked forward with augmented confidence to other triumphs yet to be achieved.

Though defeated, the representatives of the antislavery sentiment of the country were not disheartened. Overborne indeed by numbers then, they knew such questions were never settled until they were settled right. Reason and conscience told them that the forces of the material and moral world were acting with them, and would still fight the battles of truth and freedom, whoever might falter or fail. They turned trustfully to the future, and committed the sacred cause to the "sober second thought" of the people and to the providence of God.



Mr. Hale in the Senate and Mr. Julian in the House, the Free Soil candidates for President and Vice-President two years thereafter, gave expression to this sentiment and purpose. Toward the close of the conflict, Mr. Hale, alluding to the fact that there had never been a Congress in which the influence of slavery had been more potent, said: "Gentlemen flatter themselves that they have done a great deal for the peace of the country. Everybody is pleased but a few wild fanatics. Let not gentlemen deceive themselves. The pen of inspiration teaches us that there was a time when a set of men cried, 'Peace, peace, when there was no peace.' Let me tell you, there is no peace to them who think they have successfully dug the grave in which the hopes, the rights, and the interests of freedom are buried. No, sir; that peace will be short, and that rejoicing will most assuredly be turned into mourning."

On the eve of the adjournment, Mr. Julian spoke at length and with much force of thought and strength of expression on the "healing measures of the present session," and gave his reasons for opposing them. Of the Texas boundary bill he said: "It is neither more nor less than the extension of slavery by an act of Congress." Alluding to the threat of war as the probable consequence of not voting for the measure, he replied: "I stand opposed to the war spirit and the war mania; and yet there are things more to be dreaded than war,—the betrayal of sacred trusts, shrinking from just responsibility, a pusillanimous surrender of rights, the extension of slavery by the Federal government,—and, more specific, it is less to be deplored than the dastardly and craven spirit which would prompt the representatives of twenty millions of people to cower and turn pale at the bandit treaty of slaveholders, and give them millions of acres and millions of gold as a peace-offering to the vandal spirit of slaveholding aggression." He declared, in reply to the charge that the "Wilmot proviso was conceived in sin and brought forth in iniquity," that it was rather conceived in the brains of such patriots as Henry Vane and Algernon Sydney, and brought forth in the glorious fruits of the Revolution of 1776. "If I thought," he said, "with some, that, for other reasons, slav-

ery could not gain a foothold in our Territories, I would still insist on the proviso as a wholesome and needful reassertion, in the present crisis, of the principles on which our government was founded."

He paid special attention to the Fugitive Slave Act, and seldom has that abhorrent law been more fitly characterized. Comparing it with the act of 1793 he said: "A tissue of more heartless and cold-blooded enactments never disgraced a civilized people, throwing around the slaveholder every protection, as if the institution had the stamp of divinity, while it so hedges about the way of the poor fugitive with nets and snares as to leave him utterly without hope. And "these," he said, "are the fruits of this unparalleled and protracted struggle, brought forth after a congressional incubation of nine months. These are the healing measures which are to dry up the 'gaping wounds' that have threatened to bleed the nation to death. On the contrary, the passage of the Fugitive Slave Act will open a fresh wound in the North, and it will continue to bleed as long as the law stands unrepealed."

## CHAPTER XXV.

### FUGITIVE SLAVE ACT IN THE COUNTRY.

General consternation. — First case. — Meetings of colored people. — Public meetings. — Wilson at Lowell. — Adams at Boston. — Sumner in Faneuil Hall. — Burlingame at Northampton. — Meetings of religious bodies. — Utterances of clergymen. — Furness, Stone, Beecher, Cheever. — Aid and protection extended. — The act defended. — Concerted measures for its vindication and support. — Mr. Webster. — Mr. Clay. — Buchanan, Clayton, Benton, and Berrien. — Union-saving meetings. — Castle Garden and Faneuil Hall. — Clerical defences. — Dewey, Taylor, Spencer. — The President indorses the Fugitive Slave Act in annual message. — Debate in Congress. — Speeches of Giddings, Seward, Hale, and Mann.

THE passage of the Fugitive Slave Act was the signal for a general commotion throughout the land. It involved both a wrong and a peril that menaced, if they did not actually reach, every individual in the Republic. Its uplifted hand was directed first against the fugitives, of whom it was estimated that there were more than twenty thousand in the free States. Nor was the full force of the blow expended on them alone; for beside them there were large numbers of free persons with whom these fugitives had intermarried, and to whom they were joined in the various relations of social and religious life. Its arbitrary and summary provisions, in the hands of base and unscrupulous men, impelled by greed of gain and love of revenge, struck terror upon the whole colored population and their sympathizing friends. These were base and brutal men at hand, willing to become agents of slaveholders in both following those recently escaped and in ferreting out those who had for a longer time eluded the search of the pursuer. Nor were they slow to act.

Only eight days after the passage of the law, one of these agents appeared in New York, armed with the power of attorney from Mary Brown of Baltimore, and a certified copy of



the act itself, cut from a common newspaper, in search of James Hamlet, a husband and father, a member of the Methodist Church, and resident in the city some three years. He was seized while at work, hurried into a retired room, tried in hot haste, delivered to the agent, handcuffed, forced into a carriage, and taken by the son of the marshal to Baltimore and lodged in the prison of the notorious Hope H. Slatter; his wife and children being denied the poor satisfaction of bidding him farewell. A few days afterward another similar scene was enacted in Philadelphia.

The colored people were greatly alarmed. Nor did they fail to give expression to their feelings, and to call upon God and their friends for relief. Soon after these occurrences a large meeting was held by them in New York, and an earnest appeal was made to their fellow-citizens to take immediate measures to secure the repeal of the fearful statute.

Early in October a meeting of the colored people of Boston was held in Belknap Street church. An address, in the name of fugitive slaves, to the clergy of Massachusetts, was adopted, urging them, by every motive of patriotism, humanity, and religion to "lift up their voices like a trumpet against the Fugitive Slave Bill." "Thus will you exalt," said the address, "the Christian religion, oppose the mightiest obstacle that stands in the way of human redemption, exert such a moral influence as shall break the rod of the oppressor, secure for yourselves the blessings of those who are ready to perish, and hear the thrilling declaration in the great Day of Judgment: 'Inasmuch as ye have done it unto one of the least of these my brethren, ye did it unto me.' " Appeals like these could not fail to evoke responses, and they came with a strength and heartiness which gave promise of larger results than were actually realized.

Only eight days after the signature of the bill a call was issued for a public meeting in Syracuse, New York, and on the 4th of October the City Hall was crowded with an excited and indignant multitude. Both political parties were represented in the meeting and on its list of officers. Its president gave the key-note of the proceedings of this and a subsequent

meeting when he said : " The colored man must be protected ; he must be secure among us, come what will of political organizations." A series of thirteen resolutions was adopted, and a vigilance committee of thirteen persons was appointed to see that no person should be deprived of liberty " without due process of law." In the resolutions and speeches the unconstitutionality, the " diabolical spirit," and the " cruel ingenuity " of the law were denounced in the strongest terms. Charles B. Sedgwick, afterward member of Congress, proclaimed his purpose to resist it ; and he called on all who heard him to resist to the utmost of their power. Mr. Raymond, a Baptist clergyman, asked : " Shall a live man ever be taken out of our city by force of this law ? " " No ! no ! " was the unanimous response. " I will take the hunted man to my own house," he said, " and he shall not be torn away and I be left alive." Judge Nye of Madison County, afterward Senator in Congress, said : " I am an officer of the law. I am not sure that I am not one of those officers who are clothed with anomalous and terrible powers by this bill of abominations. If I am, I will tell my constituency that I will trample that law in the dust ; and they must find another man, if there be one, who will degrade himself to do this dirty work." Such were the utterances of those two crowded meetings, and such the sentiments and feelings of Central New York under the pressure of that iniquitous statute.

At an immense Free Soil meeting, held in Lowell on the 3d of October, over which William S. Robinson presided, a resolution introduced by Chauncy L. Knapp was unanimously and enthusiastically adopted, inviting back residents of that city who had fled to Canada for protection. Mr. Wilson, of Natick, said it was a burning shame that colored men were flying from families, homes, and country to find refuge among strangers beneath the flag of England. He commended the action of the meeting in inviting back their citizens who were wandering houseless and homeless. He would say to the colored men of Massachusetts : " Be calm, cautious, firm, and determined. The man-hunters are in the land. Your house, however humble, is your castle. You have a moral and a

legal right to defend its sanctity against prowling man-stealers. Do it at any cost, at any sacrifice." He held Daniel Webster responsible for the consummation of that act which would have disgraced any age or any people. When he announced, on the 7th of March, that he would vote for Mason's Fugitive Slave Bill, he then breathed into it the breath of life. "Massachusetts," he said, "owed it to the cause of liberty and humanity to exert every power to secure the immediate and unconditional repeal of this act of shame and infamy. We should make a public sentiment that should consign to political graves the unprincipled men who passed that measure, where the sternest rebukes of a free people should follow them."

On the 14th of October a large and highly important meeting was held in Faneuil Hall "for the denunciation of the law and the expression of sympathy and co-operation with the fugitive." Charles Francis Adams presided, and made a speech of signal force and indignant emphasis. He counselled no violence, but called upon his fellow-citizens to devise "such a course of measures" as shall give effective security to the houses of many of our citizens whose hearts have been filled with anguish, and to nerve themselves to the duty of laboring for the repeal of an odious law that "fills us all with mingled sensations of astonishment and horror." Frederick Douglass, Wendell Phillips, and Theodore Parker gave to the meeting and its object the aid of their fervid and effective eloquence. A series of resolutions, offered by Richard H. Dana, Jr., was adopted by acclamation. Alluding in the preamble to the state of doubt and the terror of the colored people, in consequence of the act, it was declared that the moral sense revolted against a law not only violative of "the golden rule of Christianity" and the specific command "*not* to deliver unto his master the servant that hath escaped," but contradictory to the Declaration of Independence, the Constitution, and the right of *habeas corpus*. The resolutions expressed the belief that no citizen would take part in returning fugitives; and they pledged the sympathy and co-operation of those present to their colored fellow-citizens, whom they counselled to re-



main, and not to flee from their homes. Instant repeal of the obnoxious statute was demanded. A vigilance committee of fifty was appointed to take all needful measures to protect the colored people from the new and imminent dangers to which they were exposed.

Meetings were also held in other portions of the free States, in which the unwavering purpose was avowed never to assist in the recapture of fugitives. Men expressed their willingness to meet the penalties imposed for the performance of the duties which Christianity enjoined, rather than to evade them by the violation of the sacred obligations due their fellow-men.

On the 6th of November, on the eve of the annual election, Mr. Sumner addressed the citizens of Boston in Faneuil Hall. He spoke of the Fugitive Slave Bill, and declared that it "sets at naught the best principles of the Constitution and the very laws of God." In his early professional life he had been designated by Judge Story a commissioner, but he could not forget, he said, that he was a man, although a commissioner, and that he would forego any consideration rather than become an agent for enslaving his brother man. Expressing the belief that the Fugitive Slave Bill would not be executed in Massachusetts, he said that there were many who would offer the fugitive "the shelter of their houses, and, if need be, will protect his liberty by force. . . . But let me be understood," he added. "I counsel no violence. There is another power, stronger than any individual arm, which I invoke: I mean that irresistible Public Opinion inspired by love of God and man, which, without violence or noise, gently as the operations of nature, makes and unmakes laws. Let this Public Opinion be felt in its might, and the Fugitive Slave Bill will become everywhere among us a dead letter. No lawyer will aid it by counsel, no commissioner will be its agent; it will die of inanition,—like a spider beneath an exhausted receiver. Oh! it were well that the tidings should spread throughout the land that here in Massachusetts this accursed bill has found no servant."

On the eve of the same election, Mr. Burlingame addressed

the citizens of Hampshire County in a telling speech, in which he thus summed up his objections to the Act: "We tell these men that we shall give their favorite law no quarter,—we shall no more remain quiet until it is repealed than we would at midnight with a rattlesnake in our beds; and, more than all, we do not intend to be driven into nullification, but do intend, God willing, to go up to the first ballot-box we can find and there decide the matter. We are against their pet law for a multitude of reasons. We are against it because it is not required by the Constitution. We are against it because it extends slavery into Massachusetts. We are against it because it establishes in our midst illegal tribunals. We are against it because it poisons the fountain of justice with a bribe. We are against it because it fixes the price of a Carolina negro at one thousand dollars and a Yankee's soul at five dollars. We are against it because it makes a commissioner's certificate stronger than the great writ of *habeas corpus*. We are against it because it invites to perjury. We are against it because it was drawn by a disunionist, advocated by tyrants, and dodged by cowards. And, finally, we are against it because it commands us to violate the laws of God. It contains within its cunning self the essence of all the tyranny that ever trod on the necks of men—in all the ages—since the morning stars sang together for joy. Name a crime it does not include, a meanness it does not suggest, a tie it does not sever."

As was fitting, the churches and their religious teachers were largely represented in this indignant protest against the cruel and unrighteous enactment. At a "preachers' meeting," consisting of the Methodist ministers of the cities of New York, Brooklyn, and Williamsburg, held on the 9th of November, at which were present more than thirty clergymen of that denomination, the bill was denounced as iniquitous and unrighteous, a flagrant violation of the law of God; and its immediate and unconditional repeal was demanded. The New York Evangelical Congregational Association resolved that they could not recognize the law as of any binding force on the citizens of the country. The Associate Reformed

Church urged its members to endure the utmost penalties rather than bring upon themselves the guilt and upon their religion the reproach of countenancing its odious requirements. The annual meeting of the American Missionary Association, held at Rochester, New York, a few days after the passage of the act, solemnly covenanted with each other and their colored brethren that they could not obey it because it contravened the higher law of their Maker. The Free-will Baptist Conference, consisting of about sixty members from nearly all the free States, met at Providence, Rhode Island, a few weeks later, and declared that it was incumbent on every Christian to disregard such a law as an infringement upon his duty to God and humanity. The Synod of the Free Presbyterian Church pronounced against it. And to the utterances of these larger bodies were added the equally hearty and more popular protests of local associations and individual churches against a law which, though enacted by men, they felt could not set aside the changeless claims of the law of God. Indeed, the great body of the Protestant clergy raised their voices against it.

Many recognized leaders, too, joined in this denunciation. Rev. William H. Furness, a Unitarian clergyman of Philadelphia, pronounced the existence of the law "a fountain of deadly poison, blinding our understandings, hardening our hearts, searing our consciences, falsifying our religious professions, and perilling the salvation of our souls." It was said by Dr. Joseph P. Thompson, a distinguished Congregational clergyman of New York, that the law demanded what conscience and the Word of God forbade. "The Puritans," he said, "suffered the penalties of violating unrighteous laws, rather than sin against God. The fugitive shall have bread, he shall have money, he shall have shelter, though at the cost of fines and imprisonments." Rev. R. S. Storrs, Jr., of Brooklyn, distinguished alike for strength and elegance, and standing among the foremost of the same denomination, avowed that "God's law is decisive, unequivocal, extending always to each of us, revealed to conscience as light to the eye." This law of God, he maintained, forbade the Christian to oppress the slave



or to return him to his master. "Why shall I not," he asked, "help him in his struggle for his rights, which God gave him indelibly when he made him a man? There is nothing to prevent but the simple requirement of my equals in the State, the parchment of the law which they have written. But where will this parchment be when I meet this my brother in the Judgment? Where will that parchment be when Christ shall say to me, with my eternity depending on his words, 'I was an hungred, and ye gave me no meat! I was thirsty, and ye gave me no drink! I was naked, and ye clothed me not! I was a stranger, and ye took me not in!'"

Henry Ward Beecher maintained, with his characteristic force and point, that returning a fugitive slave "comprises every offence it is possible for one man to commit against another. When we have ceased to pray, — when we have rooted out the humanities, which since our connection with the gospel have been growing within us, — when we have burned our Bibles and renounced our God, — then we will join with those whose patriotism exhibits itself in disrobing men of every natural right, and in driving them from light and religion into gross heathenism." Samuel T. Spear, a Presbyterian clergyman of Brooklyn, deeming it such a wrong to drag a man to a bondage he loathed and had done his best to shun, said that he could neither agree to do the thing himself nor could he do it to fulfil the agreements of others. "I would sooner die," he declared, "than be its agent. The higher law of eternal right would be in my way, and by its decision I must abide." Of course, the pulpit of the "Church of the Puritans" gave no uncertain sound. Dr. Cheever did not leave his hearers in doubt as to what laws they should obey. To the "Union-savers" of that day, who counselled submission for the sake of harmony and peace, he said: "Let no man think that peace cometh by concealing sin, or justifying iniquity, or hardening ourselves in oppression, or setting our will and our statutes in rebellion against God's Word." Similar sentiments were uttered by thousands of clergymen in the free States, through the pulpits, presses, and religious organizations. The trembling fugitive found, too, in many a

Christian home, a kindly welcome, shelter, and the needed advice and aid to help him on his still perilous journey.

But there were two parties in this contest. Those who had been engineering the Fugitive Slave Act and its associated and antecedent measures, now flushed with victory, were in no mood to sit quietly under these denunciations, or to relinquish without farther struggle the prize for which they had so earnestly striven. Fully aware that the law could be of slight avail unless sustained by the popular sentiment, they saw that that sentiment must be made to harmonize with the spirit and purpose of the enactment, and that the people must be debauched and brought down to the level of the legislation they had secured. And this became the unworthy and guilty purpose of the hour. It was a systematic attack on the conscience of the nation, as part of this general crusade against human rights and the manhood of the nation. It is doubtful whether, since the days of the Jewish king who "made Israel to sin," there was ever a more deliberate and determined assault upon the religious convictions and scruples of a people. As if by some concerted plan and prearranged system of measures, the leaders who had consummated their purpose in Congress now directed their efforts on the wider theatre of the nation itself. As auxiliaries in their fell work, they counted first and foremost the politicians and presses of the entire Democracy of the North, and of those Northern Whigs who gave their confidence to Mr. Fillmore's administration. They relied, too, on the mercantile, manufacturing, and moneyed classes, who recognized the commercial importance of Southern products and Southern trade. Always sensitive to any disturbing influences, these classes had been specially affected by the agitations accompanying the passage of the compromise measures, as they were greatly influenced by the threats and arrogant conduct of their Southern patrons, correspondents, and debtors. Thus, stimulated by both the hope of gain and the fear of loss, too many business men hastened to give in their own adhesion, and to join in this general onslaught that was to be made.

Marching at the head of this movement was Daniel Web-

ster. In seeming frenzy, he not only turned his back upon the associations of his past life, but he dared dangers of which he had once expressed the greatest dread, while he sought to persuade men to do the very things against which he had often hurled his fierce and massive invectives. In his Plymouth oration he had warned the pulpit against silence on the sin of slavery, and declared that whenever or wherever it was "silent within the hearing of its voice, it is false to its trust." In his speech in Niblo's Garden, in 1837, against the annexation of Texas, he had said of that measure: "It has arrested the religious feelings of the country; it has taken strong hold of the consciences of men. He is a rash man, indeed, little conversant with human nature, and especially has a very erroneous conception of the people of this country, who supposes that a feeling of this kind is to be trifled with or despised." And yet of this very rashness he was signally guilty, and, more than any other American, living or dead, sought to persuade the pulpit to be "false to its trust."

He spent a portion of the October and November of 1850 in addressing Union meetings, writing letters, and counselling the policy of expurgating the Whig party of all abolition heresies. "Ordinary party questions," wrote a contemporary, "seem to have lost their importance in his estimation; old party prejudices he is gradually sloughing off, and he appears quite willing to take the leadership of a grand Union party." He wrote to what was familiarly called the Castle Garden meeting, held on the 30th of October. He lauded the compromise measures and counselled obedience to the Fugitive Slave Act, though he did not approve its fundamental principle, because it had received the sanction of the government and had become "the law of the land." He also distinctly, not to say sneeringly, affirmed that "no man is at liberty to set up, or affect to set up, his own conscience as above the law." The pretence that the people may, he wrote, "saps the foundation of our government and is itself a perfect absurdity." Nor would he allow them the poor consolation of attempting to change the law which their consciences condemned, for he added: "While all are bound to yield obedience to the laws, wise and well-disposed



citizens will forbear from renewing past agitation and rekindling the flames of useless and dangerous controversy." So completely had he gone over to the enemy himself, and so hopeless was the bondage to which he sought to reduce even those who remembered and regarded the counsels of his earlier and better days.

Mr. Clay was of course active. An opportunity was soon given him by an invitation of the Kentucky legislature to make a speech on the agitating question. He spoke with much self-gratulation of the compromise measures, of their healing influence on the country, and of his agency therein. Addressing Southern men, now that no Northern men were there to be cajoled into the support of his measures, he was more outspoken and presumably more frank than he had been in Congress. He claimed the passage of those measures as substantially "a Southern triumph." Of California he said, "neither party had carried or lost." Of New Mexico and Utah he affirmed that "the wishes of the South have prevailed." Concerning Texas he claimed that the South had got the lion's share. The Fugitive Slave Act was a Southern triumph. And even the only pretended concession, the abolition of the slave-traffic in the District of Columbia, he characterized "as a measure equally demanded by the honor, dignity, and true interest of both the North and the South." He denounced disunion, and said the meeting at Nashville was "a second edition of the Hartford convention." He said there might spring up a new party if the Abolition agitation was continued; but there would then be but two parties, the one for and the other against the Union. The President also joined in the same effort. He pledged, not to say prostituted, his high office to the execution of the law, and deprecated all sectional agitation, especially that which called in question or put in jeopardy Southern institutions.

The Democratic leaders were no less active in the same direction. Mr. Buchanan addressed a letter to a Union-saving meeting in Philadelphia, deprecating all agitation of the slavery question, and speaking regretfully of the fact that the mails were used for the transmission of what he was pleased

to stigmatize as "incendiary documents." Mr. Dallas spoke in a similar strain. Indeed, all the addresses of that meeting, said one, "were remarkable only for disregard of the right and their failure in even an allusion to the morality of the question at issue." General Cass threw himself into the breach, and, though much to his personal and political detriment, signalized himself in his efforts in the same behalf. Mr. Douglas and General Shields gave no equivocal support to the measures, all and singly, of the disastrous compromise and its promised results.

But there were those who, though accepting the results, ridiculed the process by which they were secured. Among them was Mr. Clayton, General Taylor's Secretary of State. He scouted the idea that there had ever been any special danger, or that the country had been saved by any special virtue in the compromise measures, which were, he considered, incongruous and unnecessarily brought together, and which "for six months stuck fast, and could neither get in nor out," though, had they been taken up separately and passed, Congress and the nation would have been saved six months' unnecessary alarm. Mr. Benton took substantially the same view, declared the "Omnibus Bill" to have been a blunder, and contended that each of its respective measures might have been taken up separately and passed on its own individual merits.

Most of the Southern men, however, had another object to aim at. That was to quiet the public mind on the subject of disunion, which they had so freely discussed as the alternative of success, and to quell the incipient uprisings of rebellion which their revolutionary teachings had caused. Having gained, through threats of secession, their purpose, Toombs, Stephens, and Cobb in Georgia, King and Clemens in Alabama, and Downs in Louisiana, became at once apostles of peace and friends of the Union. Mr. Clemens remarked that they had used harsh words when they were needed; but he intimated that they were not needed then. "A majority in Congress," he said, and he had too much occasion for saying it, "had yielded more than any majority had ever before yielded to a minority." In this effort Mr. Berrien, who was a candidate for re-election,



and who therefore found it necessary to satisfy both the unionists and disunionists of Georgia, engaged, but he so far failed of his purpose as not to be returned to the Senate.

Among the agencies employed to carry forward the purposes of these leaders was the holding of public meetings, especially in the cities and centres of influence. Of this character was an immense meeting on the 30th of October, in Castle Garden, called by thousands of the mercantile and professional men of New York. The mayor presided. General Scott and leading members of the bar addressed the crowded and excited auditory. It was composed of both parties, and the spirit of its addresses and resolutions was well given in the closing resolution, which expressed the thought that they regarded their "obligations to the Constitution and the Union as superior to the ties of any of the political parties to which they may have hitherto belonged." It was this resolution which Mr. Webster commended "in an especial and emphatic manner by every dictate of my understanding, and I embrace it with full purpose of heart and mind." It was said by a contemporary that this resolution and indorsement evidently looked "to a purpose of forming a new party out of the worst portions of the other two, which may give another presidential possibility to desperate politicians." In it, too, is found a key to the history of that meeting, and to the purposes of the large proportion of the community it represented. The compromise measures were indorsed and their faithful and efficient execution imperiously demanded. A Union-saving committee of one hundred members was appointed. Money was largely contributed. George Wood, standing at the head of the New York bar, the presiding officer of the meeting, and other eminent lawyers, were employed as volunteer counsel to aid in securing the rendition of alleged fugitives. Merchants declining to sign the call for that meeting or to give in their adherence to its policy were proscribed and their names enrolled on the "black list." Cupidity and cowardice reigned. Men shamelessly vaunted their own subserviency, and meanly turned informers against their neighbors. It was this proscription that drew from Bowen and McNamee, eminent silk-merchants of that city, the



manly avowal, so often quoted and commended : " We wish it to be distinctly understood that our goods, and not our principles, are in the market."

Near the close of the month of November the citizens of Boston held a similar meeting in Faneuil Hall, called by the same classes and prompted by the same spirit. The speeches were made by Benjamin R. Curtis and Rufus Choate, Whigs, and Benjamin F. Hallett and Samuel D. Bradford, Democrats. Mr. Curtis made a constitutional argument in defence of the right of Massachusetts to exclude foreigners from her soil, if, as a matter of expediency, it was deemed important or necessary. He ignored entirely the question of its morality, and treated it as a matter of political expediency merely. Mr. Choate exhausted the marvellous powers of his peculiar eloquence in depicting the imminent dangers which threatened the land, and in making apparent the necessity of putting a stop to the hazardous agitation of the great questions at issue. The Democratic speakers spoke in the same strain and manifestly with the same purpose. Mr. Hallett denounced as moral treason the avowals that the law was not to be executed in Massachusetts. " It is," he said, " revolution, or it is treason. If it only resists the law and obstructs its officers it is treason, and he who risks it must risk hanging for it." Similar meetings were held in Philadelphia and in various parts of the country, in which the virtue of slave-catching seemed to be the theme of general laudation, the subject of the most impassioned appeals, as if patriotism had resolved itself into a willingness to hunt fugitives, and one's love of country was to be measured by his disregard of God's law and his indifference to the claims of humanity.

In this sad work of demoralization, in this crusade against the conscience and convictions of the people, it was felt to be an essential auxiliary that the countenance and co-operation of religious teachers should be secured, and that the sanctions of the gospel should be added to the pretended claims of patriotism. Unfortunately, and much to the consternation of the fugitive and his friends, such men were not wanting. In the high places of the Church and in the institutions of learning

not a few were found ready to respond to these seductive appeals. Among the earliest and most prominent of these was Moses Stuart, the leading professor of the theological seminary at Andover, and deemed the father of Hebrew literature in America. Appealed to and persuaded, he signed a letter thanking Mr. Webster for his advocacy of the compromise measures. At the solicitation, too, of the latter, he prepared a labored and voluminous pamphlet, entitled "Conscience and the Constitution," in which this iniquitous Act was vindicated and the duty of supporting it enjoined. The action of this learned and leading scholar and divine excited profound regret and astonishment, especially in the minds of those who had sat at his feet and studied the sacred volume under his guidance.

Another leading scholar and divine, who wielded a commanding influence in the same denomination, was also persuaded to lend the support of his great name and advocacy to the cruel enactment. Nathaniel Taylor, principal of the theological department of Yale College, addressed a Union-saving meeting at New Haven, which was but an echo of that held at Castle Garden. He deprecated agitation and counselled obedience. He declared that he had not been able to discover that the article in the Constitution for the rendition of fugitives "was contrary to the law of nature, to the law of nations, or to the will of God." He labored to show, and claimed that he had shown, that it was lawful to deliver up fugitive slaves "for the high, the great, the momentous interests of the Southern States." Dr. Orville Dewey, one of the most eloquent of the Unitarian clergy, asserted that it was a high duty to return fugitive slaves, and that he would rather send "his own brother and child into slavery" than to see the Union dissolved. Rev. Dr. Spencer of Brooklyn, a leading Presbyterian clergyman, not only defended the Fugitive Slave Act, but poured ridicule and contempt upon the great body of the clergy who were bravely condemning it. "What a number of clergymen, north of Mason and Dixon's line," he exclaimed, "have all of a sudden become such great constitutional lawyers! Never before was anything like it! It is a modern miracle! How amazingly these profound legalists,



these clergymen jurists, would adorn the high courts of the country if they would consent to take their seats upon the bench! The judges of the United States Supreme Court ought to be thankful that these clergymen judges have done their duty for them in advance. Benevolent men these clergymen!" Surely, such sarcastic and bitter words breathe rather the spirit of the slave plantation than of the pulpit.

Large numbers of clergymen, especially in the cities, were thus indorsing the act and counselling submission. Their discourses were published by the New York Union-saving committee and other affiliated organizations, and sent, sometimes under the frank of members of Congress, to different portions of the country, to quiet troubled consciences, silence doubtful minds, appease slaveholders, promote the interests of conservative politicians, and increase the Southern trade. Before these combined influences something of the zeal and indignation expressed against the compromise measures in general and the Fugitive Slave Act in particular disappeared. Many men were persuaded to receive opinions thus indorsed, which their own unbiassed reason and conscience would have at once rejected. And so it happened that pecuniary interests and political necessities, receiving such aid from religious teachers, were allowed a controlling influence, instead of being subordinated to the higher claims of justice and humanity.

While the nation was deeply agitated by these public demonstrations, arguments, and appeals for and against the Fugitive Slave Act, the same Congress that had enacted the obnoxious measure reassembled. President Fillmore, in his message, not only gave a general indorsement of the compromise measures as "a final adjustment," but he singled out this act for special mention. He urged upon Congress the vital importance of its faithful enforcement, and gave his assurance that there should be no hesitation on his part in the fullest exercise of his powers to that end. Indeed, he did what he could to commit his party and the government unequivocally to its support.

An acrimonious debate ensued. The cause of liberty was



not without earnest advocates. Mr. Giddings asserted that people could not be compelled by the cannon or the bayonet to lend their aid to the execution of such an act. "The farmers of Ohio," he said, "will never turn out to chase the panting fugitive; they will never be metamorphosed into bloodhounds to track him to his hiding-place, and seize and drag him out to deliver him to his tormentors. They may be shot down; the cannon, bayonet, and sword may do their work upon them; they may drown the fugitive in the blood of freemen: but never will freemen stoop to the degradation of catching slaves." This expressed confidence, however, in the unwillingness of the people to lend their aid to the execution of this revolting statute, was hardly borne out by the facts. Under the teachings of both statesmen and divines, large numbers were led to the belief that the execution of this criminal law involved no moral guilt, and that their fealty to human enactments was superior to the claims of humanity and the higher law.

In January, Mr. Clay presented petitions for the more effectual suppression of the African slave-trade. He spoke of the evils of the traffic and of the need of its suppression. Commending the transportation of free negroes to Africa, he thought glorious results would be attained if all agitation should cease, and the people should all unite in removing free people of color, who must ever remain here a degraded, corrupt, and dissolute class, to the shores of Africa. He introduced a resolution in favor of making more effectual provisions to prevent the employment of American vessels and seamen in the slave-traffic.

Mr. Hale, in response, read the pledge, signed by Mr. Clay and other members of Congress, just published, pledging themselves to a strict adherence to the compromises as a final settlement, and pledging themselves to support no man for office known to be opposed to them and to the renewal of slavery agitation. He reminded the Senate that he had noticed that whenever the North had been pushed to the wall, some very pious and worthy gentlemen had been seized with spasmodic horrors, and that their humanity and philanthropy had

found vent against the foreign slave-trade. He notified Mr. Clay and other Senators that he could not permit them to agitate, while they were pouring out denunciations upon every one who entertained opinions differing from their own.

The popular feeling, too, found voice and expression on the floor of Congress, in numerous petitions for the repeal of the Fugitive Slave Act. One having been presented by Mr. Hamlin, of Maine, was referred to the Committee on the Judiciary. On a motion by Mr. Atchison of Missouri to reconsider that vote, a spirited debate sprang up. Mr. Seward maintained that the right of petition should be held sacred. He declared that he happened to be one of the members of that body "who never introduced the agitating subject of slavery here." He was one of those who were contented to leave the compromise measures "to the scrutiny of the people, and to abide their judgment and the test of time and truth." Petitions were also presented by Mr. Hale in the Senate, praying for modification or repeal. He expressed the opinion that the law was a reproach to the civilization of the age, a perfect burlesque on the Constitution, and that it ought to be essentially modified or repealed. Mr. Butler of South Carolina declared he was tired of casting impediments into the stream of slavery agitation; that they might as well attempt to put a maniac to sleep by lullabies, as to attempt to restrain it. Mr. Hale, in reply, said that agitation was the great element of life. It gave birth to the Revolution and to the Constitution. "There are many errors," he continued, "which require agitation; and nobody but those who are hugging fatal errors have anything to fear from that life-giving element, which will impart its healing, as did the waters of the pool at the Beautiful Gate of the Temple, when the angel had gone down and stirred the waters. . . . As for myself, I glory in the name of agitator." Mr. Foote expressed the thought there was little agitation in the Sermon on the Mount, and that, if the Senator from New Hampshire would read the Scriptures more attentively, and act upon the pure models of genuine benevolence and apostolic wisdom, he would no longer be an agitator.

In the House, Horace Mann spoke with his usual vigor, research, and logical power. Perhaps that unrighteous statute was never more thoroughly subjected to the tests of reason and conscience, and the conflict of the Fugitive Slave Act with that "law whose seat is in the bosom of God" and whose "voice is the harmony of the world" more fully exposed.



## CHAPTER XXVI.

### WORKINGS OF THE FUGITIVE SLAVE ACT.

Its cruelty of purpose and execution. — Cases at Columbia and Elkton. — Hannah Dellam. — Judge Kane's cruel course. — William and Ellen Crafts. — Prompt and heroic conduct of Dr. Bowditch and Theodore Parker. — Judge Grier. — Commissioner Ingraham. — Jerry rescue. — Trial and acquittal of Castner Hanway. — Case of Shadrach. — Trial and rescue. — Resolutions of Mr. Clay. — Action of the President. — Speeches of Clay, Hale, Chase, Douglas, and Jefferson Davis. — Mr. Douglas's charge against some members of Congress. — Trial of rescuers. — Circumstances of acquittal. — Thomas Simms. — Chains around court-house. — Trial. — Given up. — His fate. — Finally delivered by Union army. — Public meetings. — Meeting and speeches in Faneuil Hall. — Unsuccessful appeal to the legislature.

IN the preceding chapter, mention has been made of the general effect upon the country of the passage of the Fugitive Slave Act. It now remains to trace its workings, as greedy, cruel, and callous men sought to reduce to practice its stern and inhuman provisions. It is a sad story, of which but hints can be given; a fearful and bloody tragedy, with a nation for its theatre and an almost infinite variety of acts and actors, which volumes only could fully narrate or adequately represent. The act itself was a savage monster, trampling remorselessly on its unfortunate victims, regardless of their cries, and turning a deaf ear to the entreaties of their friends, to whom were often meted out measures hardly less harsh and relentless than was the fate of the victims themselves. Sometimes its execution was brief and decisive, — a case of individual cruelty and outrage, known only to few beyond the immediate circle of the sufferer. At other times it involved numbers, even courts and legislatures, Congress and the Executive of the nation. Sometimes, generally indeed, its ministers of injustice and vengeance were all too successful in their infamous raids on the rights of their fellow-

man; occasionally, though too rarely, they failed, the tables were turned, the victim escaped, and the pursuer fell into the toils he had prepared for another. Examples only of these different modes of its execution can be given.

In April, 1851, two officers — one from Harrisburg, Pennsylvania, and the other from Baltimore — arrived at the town of Columbia, in the former State, in pursuit of William Smith, an alleged fugitive from slavery. He had resided in that place a year and a half, and had a wife and two children. The officers seized him while at work. Endeavoring to escape, he was shot by the Baltimore official and expired instantly. Though there were a dozen colored men near at hand, there was no attempt at rescue, and the murderer was allowed to escape. The occurrence, however, seemed to produce very little excitement, though the legislature of Maryland did appoint a commission to collect the facts and to confer with the governor of Pennsylvania respecting it. But no results followed. The outrage was hushed up, and soon forgotten, except by the sufferers, widowed and orphaned by that murderous shot.

A noted kidnapper from Elkton, Maryland, called at the house of a Mr. Miller, in Nottingham, Chester County, Pennsylvania, and seized a colored girl, claiming her as his prisoner. In spite of the earnest protest of Mrs. Miller that she was free, he took her to a carriage, an accomplice being in waiting. In the mean time Mr. Miller came up, and, though threatened with instant death, endeavored to prevent the consummation of the infamous attempt. But the kidnappers succeeded in reaching Baltimore, and in placing the girl in one of the disgraceful slave-pens of that city. Some friends of humanity succeeded, however, in bringing her case before the courts. The kidnappers failed to establish their claim, and she was released. Mr. Miller started for his home, but was not permitted to reach it. He was found the next day, about nine miles from the city, suspended from a tree. Being a trustworthy man, those best acquainted with him were the slowest to believe him a suicide; and they adopted the general impression that he had been foully murdered. The governor

of Pennsylvania made a requisition on the governor of Maryland for the kidnapper. The latter, however, escaped a trial through the false testimony of a witness, who swore that Mr. Miller had admitted the girl was a slave, though the inhabitants of Nottingham testified that they had known her from childhood, and her parents for twenty years.

Another case, still more revolting, if less sanguinary, revealing alike the brutality of the law and of those who stood ready to execute it, transpired in Pennsylvania in the spring of 1851. Hannah Dellam was brought, on the charge of being a fugitive, before Justice Kane of Philadelphia, — a judge who more than once disgraced both himself and the judiciary by his cruel renderings of the law. She was in the condition to which the common law extends its mercy, even in a case of murder, so that the unborn and innocent may not be put in jeopardy. In this case her counsel cited precedents directly in point; but Judge Kane was deaf alike to the demands of the law, the claims of humanity, and the suggestions of decency. He prolonged the session of the court into the night, to guard against the possibility of a child being born in the free State of Pennsylvania, instead of the slave State of Maryland.

Sometimes, however, this monotony of gloom was relieved by some pleasant episode, in which the heroism and strategy of the pursued were crowned with success, and the selfish purposes of the pursuer were foiled. Of this character were the escape of William and Ellen Crafts of Georgia, and the unsuccessful attempt to arrest and return them to bondage. Ellen, whose complexion was very light, dressed herself in male attire, and personated a young planter, afflicted with consumptive tendencies, on his way north to obtain medical advice. William was a negro, without admixture of blood; and he acted the part of a family servant, greatly devoted to his young master. They took the public routes, mingled with the passengers, and arrived safely in Massachusetts, where they were cordially welcomed by the friends of the slave. The slave-hunter not only failed in his attempt, but the attempt itself to arrest them, which was made in October, 1850, excited the deepest interest, raised up for them friends, and



procured for them aid, which resulted in the discomfiture of their pursuers and in their escape to England. And not only did they escape, but those who sought their re-enslavement became the objects of such uncomfortable notoriety in Boston that they were followed in the streets, pointed out as slave-hunters, waited upon at their hotel, and advised to leave while they were unmolested.

Dr. Henry I. Bowditch, learning that Hughes and Knight were in the city in pursuit of the fugitives, informed Mrs. George S. Hillard — a friend of not only the Crafts, but of fugitives generally — of the fact. She at once communicated the facts to them. Crafts armed and barricaded himself in his shop, declaring that he would never be taken alive. Ellen was taken out of the city to the home of Ellis Gray Loring. But, fearing that she would not be safe there from the kidnapers, Theodore Parker took her to his own home and kept her there until the slave-hunters had left the city. Mr. Parker armed himself and put his house in a state of defence. "For two weeks," he said, "I wrote my sermons with a sword in the open drawer under my inkstand, and a pistol in the flap of the desk, loaded and ready, with a cap on the nipple." Before William Crafts fled from the United States to England they were married by Mr. Parker according to the laws of Massachusetts. He gave William a sword, and told him of his "manly duty" "to defend the life and liberty of Ellen," and gave them both a Bible to be "a symbol of their spiritual culture."

Henry Garnett of Philadelphia was brought before Judge Grier, of the Supreme Court of the United States. He was compelled, however, on the evidence, to decree his discharge. But he did it with evident reluctance; for he took occasion to say that he had gone to the utmost limit of judicial propriety in explaining to the claimants what course they ought to have pursued. Shortly afterward, Adam Gibson was brought before Commissioner Ingraham by George F. Albertie, agent of William S. Knight of Maryland. Gibson was ably defended by David Paul Brown and William S. Pierce; but the commissioner accepted the evidence of Albertie's perjured witness-

es, and Gibson was ordered to be sent to his claimant. He was taken to the railroad station in the custody of twenty-five officers, headed by a police marshal, and then conveyed to Maryland. But his alleged master frankly declared that he was not his slave, and he was permitted to return to his home. This conduct of Commissioner Ingraham occasioned much feeling, and he was sharply censured; though it was this case which drew from Mr. Clay, at the next session of Congress, the remark that "the law had been more than executed" in Philadelphia. But Albertie became so justly notorious for his fierce and reckless purpose to secure victims by any and every means, that he was afterward arrested for kidnapping, convicted, and sentenced to the penitentiary for ten years.

A similar case was that of Jerry McHenry, commonly known as the "Jerry rescue," which occurred at Syracuse, New York, in October, 1851. He had resided in that place for several years, but he was arrested and taken before the commissioner as a fugitive from slavery. On the trial, the agent was alone permitted to testify, while Jerry was not allowed to make any explanation, or to say one word in his own behalf. Seizing his opportunity, he ran from the room; but was pursued, overtaken, and, although he fought fearfully, was overpowered. He was thrown upon a wagon and, with two policemen sitting upon him, taken back, frantic with rage. In the mean time, there was a meeting of some twenty or thirty persons, among whom were such men as Gerrit Smith and Rev. Samuel J. May, to devise a plan for his rescue. That which was adopted and successfully carried out was to wait till evening, surround the court-room, break the doors and windows, rush in, overpower the officers, in the *mélée* take the prisoner to the house of a friend, and conceal him until his rescuers were prepared to carry him to a place of safety. But prostrated by the excitement and by his exertions, he was compelled to remain thus concealed for a week, and was subsequently sent to Canada.

The United States officials, incensed at their ill-success, determined to punish those who had thus defied and defeated their patriotic zeal. Eighteen of the best citizens of Syra-

cuse were indicted and summoned to appear at Auburn to answer for their offence. They were escorted by nearly a hundred of the most respectable men and women of the place. Being required to give sureties, William H. Seward promptly headed the list, which was speedily made up of the leading citizens of the State.

So defiant and acknowledged an attempt to prevent the execution of the law, in the very place where Mr. Webster had just declared that it must be executed, rendered the "Jerry rescue" famous, and greatly incensed the friends of the Fugitive Slave Act. The United States district-attorney summoned several of the indicted to appear for trial at Buffalo and Albany. Although Smith, May, and Wheaton publicly acknowledged in the papers that they rendered all the assistance they could in the rescue of Jerry, and avowed their readiness for trial, resting their defence upon the "unconstitutionality and extreme wickedness" of the law, nothing came of the attempt.

But results like these were far from being common. The general rule was that the fugitive and his friends were overborne by superior force. He was remanded to slavery by courts in sympathy with the oppressor, while they were mulcted in fines and not unfrequently imprisoned themselves. On the 11th of September, 1851, a case occurred in which, though the fugitive escaped and the pursuer fell, the friends of the former suffered for their simple purpose to help the pursued and to prevent the effusion of blood. On that day, Edward Gorsuch of Maryland, his son, a party of friends, and a United States officer, bearing the warrant of Commissioner Ingraham of Philadelphia, went to Christiana, Lancaster County, Pennsylvania, in pursuit of a slave, believed to be his own son. They approached the house of William Parker, a colored man, demanded the slave, and fired two shots at the house. An alarm was given, the neighborhood aroused, and several armed colored men were soon upon the ground. Castner Hanway and Elijah Lewis, of the Society of Friends, coming to the spot, endeavored to preserve the peace by persuading both parties to disperse. The deputy-marshal or



dered them to join his *posse*; but they urged him to withdraw his men for their own safety. Persisting in his attempt, Gorsuch and two of his party fired on the colored men, who returned the shot, killing Gorsuch himself and his son, and putting the rest of the party to flight. While the bloody work was in progress, the fugitive escaped.

The intelligence of this conflict created an intense excitement. A party of marines was ordered to the scene of conflict, houses were visited, and several were arrested, among whom were the two Friends, whose only offence was a too earnest endeavor to prevent the effusion of blood. The prisoners were taken to Philadelphia, committed on charge of treason, and the grand jury found indictments against them for that crime.

The trial of Castner Hanway commenced on the 24th of November, before Justice Grier, of the Supreme Court, and was continued more than ten days. District-Attorney Ashmead was assisted by the district-attorney of Maryland, and by Mr. Cooper, detailed on behalf of that State. Mr. Hanway was defended by Hon. John M. Read, Thaddeus Stevens, Joseph S. Lewis, and Theodore Cuyler. To Mr. Read was assigned the leading part, and his argument was one of great learning and of masterly power. Judge Grier saw that the indictment for treason against the peaceful Quakers, whose only offences were an earnest attempt to prevent bloodshed by persuading both parties to disperse, and a peremptory refusal to join the assailants, could not be sustained. His charge to the jury was so clear that they acquitted the prisoners within ten minutes after leaving their seats. The district-attorney declined to put the other parties on trial.

Perhaps the two cases under the Fugitive Slave Act which attracted most attention, excited most deeply and widely the public thought and feeling, were those of Simms and Shadrach. Though Boston was the centre of operation, the whole State, and the nation even, were more or less agitated by their progress, because the governments of both, in their legislative and executive departments, were involved.

In February, 1851, Shadrach, a colored waiter at the Corn-

hill Coffee House, was arrested under a warrant issued by George T. Curtis, United States Commissioner, on the complaint of John de Bree of Norfolk, Virginia, a purser in the navy. Seth J. Thomas, a Democratic lawyer, appeared for the claimant; Samuel E. Sewall and Ellis Gray Loring, eminent lawyers, who had twenty years before aided in the formation of the New England Antislavery Society, Charles G. Davis, Richard H. Dana, Jr., Charles List, and Robert H. Morris, appeared for the alleged fugitive. After the reading of the papers, in which it was declared that he had escaped in the May preceding, the commissioner postponed the further consideration of the case till the 18th, and remanded the prisoner to the custody of the deputy-marshal. While the counsel were conferring with him, the stairway was crowded with a large number of colored persons. After all persons had retired but the officers, Charles G. Davis and Elizur Wright, the door was forcibly opened by a body of colored men, under the lead of Lewis Hayden, who acted at the suggestion of Mr. Davis, the prisoner was seized, carried away in triumph, and sent to Canada, where he arrived in safety. The excitement was intense. The facts were telegraphed to Washington, with the inquiry, "What is to be done?" On the 18th the President issued a proclamation calling upon all well-disposed citizens, and commanding all officers, civil and military, in the vicinity of this outrage, to aid and assist in quelling this and all similar combinations, and to assist in capturing the above-named persons, while the Secretary of War and the Secretary of the Navy directed all military and naval officers to yield all practicable assistance.

A resolution was introduced by Mr. Clay, calling upon the President to lay before the Senate any information in his possession relating to the rescue of the alleged fugitive slave Shadrach, and to communicate what means he has adopted to meet the exigencies of the case, and whether any further legislation is required. Upon this resolution there arose an excited and angry debate. Mr. Clay declared that he had been "shocked" and "inexpressibly distressed" by that act of a few negroes in Boston, "who possess no part in our political

system." Mr. Davis of Massachusetts expressed the opinion that it would be found that the people were disposed at all times to maintain the laws of the country and good order, although the Fugitive Slave Act was offensive even to law-abiding people. Mr. Clay again indignantly denounced "that negro mob which dared to lay their sacrilegious hands, in the sanctuary of justice, upon the very sword of justice itself, and to wave it over its officers and ministers." Mr. Hale expressed the hope that the President would leave the execution of the laws in Boston to the people of that city, without invoking the aid of the army or navy. After further debate, in which several Senators participated, the resolution was adopted.

Three days afterward, the President replied by a special message, in which he stated the facts of the case, the action he had taken, and also gave the assurance that the law should be faithfully executed. Mr. Clay seized the occasion to express the high satisfaction he felt in seeing the faithful execution of the Fugitive Slave Act. It had been executed everywhere, he said, except in the city of Boston, where there had been a failure on two occasions. He censured what he was pleased to call the guilty parties "in high or low places, in public or private, who instigated, incited, and stimulated those poor, black, deluded mortals and miserable wretches." Mr. Hale thought the President felt pretty sure that he had made his administration ridiculous by his proclamation, and had sent them a labored essay to vindicate what could not be vindicated. He looked upon the whole subject as "entirely misplaced, misconceived, ill-judged, impolitic, improper, injudicious, and weak." The remarks of Mr. Hale irritated Mr. Clay, who lost his temper, and made, in reply, a personal and undignified attack.

Mr. Chase said it was somewhat remarkable that Mr. Clay, who had so vehemently denounced agitation and agitators, should have furnished, with one exception, the occasion for every debate on slavery during the session. He maintained that the obligation imposed by the Constitution in respect to fugitives from labor was a compact between the States, to be



executed by the States, just as other compacts in the same article are to be executed in good faith; but that each State is to judge of the extent of its own obligations and of the particular legislation required to fulfil them. He said the States had laws for the reclamation of escaping servants, and that the Supreme Court, in the case of *Prigg* against Pennsylvania, had decided that the States had no constitutional power to legislate on that subject. That decision, he said, "swept the whole of this legislation from the statute-books," and practically expunged the fugitive-slave clause from the Constitution.

Mr. Douglas said he held white men then within range of his sight "responsible for the violation of the law in Boston. It was done under their advice, under their teaching, under their sanction, under the influence of their speeches." He expressed the hope that, when the trial came on, the punishment would fall upon the leading white conspirators instead of their ignorant, simple-minded, and abused tools and instruments. He charged the Abolitionists with arming negroes with bowie-knives and pistols to resist the execution of the Fugitive Slave Law.

Mr. Clay affirmed that the compromise measures had worked miracles, and that they had made thousands of converts even among the Abolitionists. "Peace," he said, "has been produced to an extent surpassing my most sanguine expectations." He denounced the Abolitionists as disunionists. Mr. Chase disavowed all connection with any class of persons who desired the dissolution of the Union. He admitted that there were Abolitionists who regarded the Constitution as at war with moral obligation and the supreme law; but he was not one of them. Jefferson Davis held that it was a reflection upon the good faith of the States which had made a contract for the surrender of fugitive slaves that it had been found necessary to enact such a law. He declared that if the State of Massachusetts sanctioned the action of the negro mob in Boston she was virtually out of the Union, and he would not give a dollar to coerce her back. Foreshadowing coming events and his own subsequent career, he said he would "let

her go, go in peace, go in good-will, go with all the kind and proud remembrances which cluster around her early history." The message was then referred to the Committee on the Judiciary, which reported on the last day of the session that further legislation was not necessary.

Five persons engaged in that rescue were indicted for the offence. Among them were John Scott and Lewis Hayden. They were tried before Judge Sprague. Though an able jurist, his course and bearing conveyed the impression that he had predetermined their conviction. They were ably defended by John P. Hale and Richard H. Dana, Jr., and the jury failed to agree. The jurors were required to declare that they held no views on the Fugitive Slave Act which would prevent their bringing in a verdict according to the facts. The evidence in the case of Mr. Hayden was very strong, and the judge's charge against him very clear. His counsel were surprised at the failure of the jury to agree upon a verdict of guilty. The jury, it was understood, at first stood eleven for conviction. Several years after the trial, Mr. Dana addressed a public meeting in Concord. At its conclusion, Francis E. Bigelow, a citizen of that town, was introduced to Mr. Dana by Judge Hoar, and stated that he was on the jury which tried Hayden, and also that he was the juror who refused to convict. Referring to the testimony of witnesses who "swore they saw the prisoner help Shadrach into a carriage, which was traced over Cambridge bridge, and into West Cambridge, where he was put into another carriage and driven to Concord, and there put into a wagon at night and driven to Sudbury," he said, "I drove that wagon over to Sudbury." Elizur Wright and Charles G. Davis, who were present in the courtroom when Shadrach was rescued, and the colored lawyer, Robert H. Morris, were put on trial, but the government utterly failed in the effort to prove anything against them.

On the 3d of April of the same year, Thomas Sims was arrested on a warrant issued by Commissioner Curtis, under the direction of Marshal Tukey. In the Shadrach case the Board of Aldermen and Common Council had authorized the city marshal, under the instructions of the mayor, whenever

he should be informed by a public officer of the State or the United States that there was danger that he would be obstructed in the performance of his official duties, to use the police force to support the laws and maintain the public peace. It was, however, no part of the duty of the police-officer to arrest fugitive slaves. But Marshal Tukey stated to the committee of the Massachusetts Senate that he made the arrest under the instructions of the mayor, to preserve the peace of the city, for the reason that the United States officers were such bunglers they could not catch a slave without exciting a riot. Sims was arrested under the false pretence of having committed a theft, was taken to the court-house, and there put under guard. Intelligence of the arrest rapidly spread over the city, and fears were entertained that the prisoner would be remanded without an opportunity for defence. Indeed, Samuel E. Sewall, was actually committed to the watch-house by Assistant United States Marshal Patrick Riley, for simply making an inquiry in regard to the trial. The court-house was surrounded with heavy chains, and a strong police force was put upon duty. The judges of the Supreme Court, on their way to their seats of justice, were compelled to bow as they passed under these heavy chains. Chief Justice Wells, of the Court of Common Pleas, instituted an inquiry in regard to the obstructions put around the building; and Marshal Tukey condescended to allow persons having business with the courts to raise the chain, so that they and the judge might pass under without stooping. Hardly ever had power been more arrogant, and never had the humiliation of the citizens of Boston been more complete.

Sims was claimed by James Potter of Georgia. Seth J. Thomas appeared as counsel of claimant, while Charles G. Loring and Robert Rantoul, Jr., lawyers of eminent ability, volunteered their services for the defence of the prisoner, and, in connection with Samuel E. Sewall, conducted the case with great zeal and skill. Attempts were made to bring the case, by a writ of *habeas corpus*, before the Supreme Court; and the application was argued by Mr. Rantoul in an effort pronounced by friends and foes as one of the very highest order.



But it was refused. A similar application was also made to Judge Sprague ; but it was refused. Justice Woodbury, however, granted the application made to him, on the ground that it was a writ of common right. But in the hearing before him Judge Woodbury decided not to remove Sims from the custody of the marshal. Commissioner Curtis overruled all objections, and signed a certificate which returned this trembling victim of personal and public rapacity to the tender mercies of his master.

At five o'clock in the morning he was taken from his cell, placed in the hollow square of three hundred armed policemen, marched to Long Wharf, and put on board the *Acorn*, a vessel owned by John H. Pierson, a Boston merchant. A body of militia was stationed in Faneuil Hall, ready to render assistance, if required ; but their services were not called into requisition, as there were few, other than the members of the ever-watchful and unwearied Vigilance Committee, to witness that mournful procession.

On the arrival of the ship at Savannah, Sims was delivered to an officer, handcuffed, taken to jail, and whipped. After being kept in a close cell for two months he was sent to a slave-pen at Charleston, and thence to a slave-pen at New Orleans. He was then sold to a brick-mason of Vicksburg, whence he escaped in 1863 to the besieging army of General Grant, who gave him transportation to the North.

During this trial several public meetings were held. The next day after the arrest there was one on Boston Common, which was addressed by Wendell Phillips. At an adjourned meeting in the evening, at Tremont Temple, an address of great vigor and severity was delivered by Theodore Parker. Five days afterward there was a convention at the same place of all persons opposed to the Fugitive Slave Act. The hall was crowded to its utmost capacity and the deepest feeling was manifested. Horace Mann presided. He opened the meeting by expressing his "unspeakable humiliation and regret" at the scenes then transpiring in Massachusetts. He called upon the people to continue, in all constitutional modes, their opposition to the oppressive statute. He closed by say-

ing: "It has been asked why we are assembled here to-day, and not in the hall consecrated to Liberty. It is because its doors have been closed to Liberty, knocking for admission. But then there is a melancholy propriety in this. When the court-house is in chains, Faneuil Hall may well be dumb."

Speeches were made by John G. Palfrey, Stephen C. Phillips, Anson Burlingame, Henry Wilson, John C. Park, Charles M. Ellis, Thomas W. Higginson, and others. Resolutions were adopted declaring that the Fugitive Slave Act ought to be immediately and forever repealed; that it was impossible to aid by word or deed in remanding a fugitive slave to bondage without aiding to rob him of an inalienable right, without participating in the act of holding him in slavery, without sinning against Christianity and against God. On the evening of that day, another and a distinct meeting was held in the same place for a like purpose. Eloquent addresses were made by Wendell Phillips, William Henry Channing, and others. On the day in which Sims was delivered up, a meeting was held in Washington Hall, which was addressed by William Lloyd Garrison, Wendell Phillips, and Edmund Quincy. On the same day, in several of the neighboring towns, the bells were tolled and public meetings were held, in which the fugitive Slave Act and the perpetrators of the atrocities committed under it were severely criticised and condemned.

The legislature of Massachusetts was then in session. In the Senate Edward L. Keyes presented the petition of Sims, setting forth the circumstances of his case. On motion of Frederick Robinson, a committee was appointed to inquire whether the freedom of any of the inhabitants was endangered through the remissness of any of its officers, and if any law for the security of personal liberty had been violated by the officers of the city of Boston or of the Commonwealth. Several sessions were held, many witnesses examined, and a large number of facts elicited, which were embodied in the report of the committee. That report, setting forth the manner in which the laws of the State had been violated by Sheriff Eveleth of Boston, Mayor Bigelow, and Marshal Tukey,

concluded with a recommendation that the mayor should not have power to call out the militia during the session of the legislature, or that of the governor's council, or when the governor was in the city ; and that the act of 1843 should be extended to all persons holding any office created or existing under any of the statutes of the Commonwealth. But the legislature failed to enact these measures.



## CHAPTER XXVII.

### COALITION IN MASSACHUSETTS. — ELECTION OF MR. SUMNER.

Co-operation between Democrats and Free-Soilers in Ohio, Connecticut, and Vermont. — Massachusetts Democratic State convention. — Resolutions. — Benjamin F. Hallett. — Proffer of the New York Democratic State committee to the Free Soil State committee. — Reply. — Conventions at Rome. — Failure to agree. — Conventions at Syracuse and Utica. — Fusion. — Massachusetts. — Meeting at Adams House. — Majority opposed to the coalition. — Minority in favor. — William Jackson. — Campaign paper. — Free Soil State convention. — Nominations. — Horace Mann. — Middlesex County conventions of Democrats and Free-Soilers. — Coalition. — Mr. Sumner's speech in Faneuil Hall. — Letters of Palfrey and Adams. — Triumph of coalition. — Proposition of Free-Soilers. — Accepted. — Mr. Boutwell made governor. — Mr. Sumner selected as candidate for United States Senate. — Long struggle. — Final success. — Rantoul elected for short term. — Sumner's letter to Mr. Wilson. — Results.

IN the year 1848 there were thousands of Democrats who sympathized, for various reasons, with the Free Soil movement, though they gave a reluctant support to General Cass. But when the election was over, and the government had passed from Democratic rule, and the Southern pressure was in some measure lifted by both the removal of the responsibility of power and what was deemed Southern recreancy in deserting General Cass for General Taylor, there were many who hoped that their party would place itself in better position. This was specially manifested in Ohio in the organization of its legislature, in the election of judges, and also in the election of Mr. Chase as United States Senator. In Connecticut the Democrats and Free-Soilers combined in the election of members of Congress; Mr. Booth, who had voted the Free Soil ticket, Mr. Cleveland and Mr. Waldo, who had publicly indorsed the Free Soil platform, being chosen members of the House. In Vermont, too, a similar fusion was effected, and the Democrats passed antislavery resolutions.

The Massachusetts Democratic State convention met in

Springfield on the 19th of September, 1849. It consisted of about six hundred members, who adopted with hardly a dissenting voice, and with general applause, resolutions avowing opposition "to slavery in every form and color"; pronouncing "in favor of freedom and free soil wherever man lives throughout God's heritage"; and declaring that "slavery is a mere municipal regulation," that it "does not exist in the Territories by municipal law," that "Congress has no power to institute it," that "the local laws of our State can never be transported there," that it "can never exist there but by local law sanctioned by Congress." They also declared their opposition to the extension of slavery to the Territories, and in favor of restricting it to the limits within which it exists by the local laws of the States. Those resolutions were drawn up by Benjamin F. Hallett. On his way to the convention he read them to Charles C. Hazewell, then editor of the Boston "Times," and to Mr. Wilson, then editor of the Boston "Emancipator and Republican." Mr. Hazewell was a gentleman of vast historical acquisitions, of extraordinary memory, and of progressive views. He approved of the sentiments of the resolutions; but he asked Mr. Hallett what the Southern Democrats would say to them. To this question that gentleman promptly replied: "I do not care what they say. We have risked everything for them. They deserted General Cass and elected General Taylor. They can take care of themselves and we can take care of ourselves." They were indorsed by the Boston "Post" on the morning after the convention, and the opinion was expressed that the two minority parties could act together on State affairs. There was co-operation in many of the senatorial and representative districts, but it was mainly for local purposes. In Wisconsin, too, there was a like co-operation between the Free-Soilers and the Democrats, the Democratic State convention passing a series of resolutions of the most thorough antislavery character.

The New York Democratic State committee invited the Free Soil State committee to unite with them in calling a union convention for the nomination of a union ticket. In response the committee reiterated their convictions concerning slavery,

declared it to be a social and political evil, avowed their attachment to the ordinance of 1787, and stated that they could form no combinations that would require its abandonment. They expressed their gratification that Democrats in other States were taking ground against slavery extension. Notwithstanding this reply, the two parties met simultaneously in convention at Rome on the 16th of August. The Democratic convention passed resolutions in favor of the power of Congress to prohibit slavery in the Territories and in the District of Columbia, but would not pass any making slavery a test question. The Free Soil convention adopted resolutions embodying the principles of the Buffalo platform. Committees of conference were appointed, but the Democratic convention refused to accept the resolutions of the Free Soil body. And yet the latter, under the lead of John Van Buren, proposed to merge the two conventions in one. But the proffer was declined, and the two adjourned. The Free-Soilers immediately issued an address to the public in which they arraigned with much severity the course of the Democratic convention.

The Democratic State convention was held at Syracuse on the 5th of September, nominated a State ticket, and, singularly enough in view of what had transpired and of their hitherto unsuccessful efforts at union, proposed that the Free-Soilers should name a portion of the candidates to be voted for, providing, however, that they should be well-known Democrats, and that they should "impose no principle or test" upon the candidates "inconsistent with the resolutions" adopted at Rome by the Democratic convention,—conditions that effectually disfranchised the old members of the Liberty party and the forty thousand Whigs who had voted with the Free Soil party.

In the Free Soil, or Barnburner, convention at Utica, both the resolutions and the speeches were antislavery in character, and strong hopes were expressed that the Democratic party would soon be found occupying that ground. In one of the resolutions adopted it was declared to be "dishonorable to New York if the Democracy of this great Commonwealth should reject the teachings of her Tompkins and her Wright,



and refuse to assist in this great work of regeneration, the foundations of which were laid by Thomas Jefferson." "We expect to make the Democratic party of this State," said John Van Buren, "the great antislavery party of this State, and through it to make the Democratic party of the United States the great antislavery party of the United States." Said Henry B. Stanton: "Here and to-day we are doing up the work of centuries, and God help us to do it well!" He expressed the belief that the people, the masses, could be "trusted on the question of slavery."

But, notwithstanding these distinct and loudly proclaimed avowals of antislavery sentiments, the convention proceeded to the acceptance of the Syracuse proposition for the union of the parties in the ensuing election. Without any security that the sentiments they had just avowed should become the principles of the united party, or any assurance other than their professed ability to convert the Democratic organization to their faith, they entered into an organic union with a party whose past history and current policy were in direct antagonism with the avowed principles and purposes of their own. As might have been expected, the only effect was disastrous. Instead of converting the Democratic party, they themselves apostatized from their loudly proclaimed faith, accepted the compromise measures of 1850, helped elect and sustained Franklin Pierce, whose administration was the most intensely proslavery on record.

When the Whig majority in the Massachusetts legislature rejected Mr. Wilson's proposition to request Mr. Webster to vote against the pending compromise measures, he declared his determination to co-operate with any body of men to drive the dominant party from power, and to send to the Senate a statesman who would fitly represent the cherished and distinguishing opinions of the Commonwealth. Avowing himself as opposed to the fusion of parties except on "the basis of the full and complete recognition of the principles embodied in the Buffalo platform," he advocated a "coalition" between the Free Soil and Democratic parties, each party to retain its distinctive organization, principles, and policy. He kept the

pledge thus made on the floor of the House of Representatives, and during the spring and summer of 1850 did what he could to secure the co-operation of the masses of these parties. The death of President Taylor, the reactionary course of Mr. Fillmore, the activity of Mr. Webster, the defection of Northern Whigs, and the assured triumph of the compromise measures, seemed to him to make a coalition a necessity and its success a duty. To aid that result he, as chairman of the State committee of the Free Soil party, invited one hundred of the leading Free-Soilers of the State to meet with the committee on the 10th of September. The meeting was held at the Adams House in Boston. Some fifty or sixty were present. It was a meeting remarkable for its large proportion of thoughtful and cultivated men, and men, too, of irreproachable character and unblemished integrity. They were persons who would very naturally think independently, and differ, too, on the new questions that were pressing their claims and clamoring for answers. Mr. Wilson presided, and stated that the purpose of the meeting was to consider the policy of co-operating with the Democrats at the coming election. He expressed the belief that a large majority of the Free Soil party were in favor of a coalition for the purpose of securing a United States Senator for six years, and that, if the State committee and other leading Free-Soilers united upon that policy, it would be successful. It was for the purpose of canvassing the question and ascertaining their views that he had called them together.

The discussion was opened by John G. Palfrey, who expressed his decided opposition to the proposed movement. He thought the value of electing a United States Senator had been exaggerated, that there were doubts of their ability to carry out such a programme, and that the proposed coalition might prove disastrous to their own organization. Charles Francis Adams expressed a similar opposition in language very decided and unequivocal. With similar emphasis and decision did Richard H. Dana, Jr., Samuel Hoar, and Stephen H. Phillips also oppose the proposed coalition. On the other hand, Marcus Morton, William Jackson, Dr. Caleb Swan, and

John B. Alley favored it, and augured the best results therefrom. But, at the suggestion of Mr. Adams, William A. White moved that no action should be taken committing the State committee or the party, but that each member should be left to act according to his sense of duty. His motion received the concurrence of the meeting. A majority of those present were unquestionably opposed to the plan, but a minority believed it could be made a success, and were determined to make the trial. There can be no doubt, however, that, though these men differed in regard to the proposed policy, they were actuated by a common purpose. Among those who favored the proposed action was William Jackson, who had been long an antislavery man, a prominent member of the Liberty party, but who held all parties as matters of secondary importance, to be subordinated to the paramount claims of freedom. He made an earnest speech. Though, he said, he did not expect to live to see the day when the Liberty or Free Soil party would have a majority in the State or the nation, he was anxious that they should throw their votes so that they should be felt, that they should be as faithful to liberty as the slaveholders were to slavery. "I want to make my vote tell," he said, "and it will not do to be too straight and perpendicular for the sake of principle." Dr. Swan, too, a veteran and earnest antislavery man, strenuously advocated the proposed coalition. A campaign paper was started, called the "Free-Soiler," edited by Francis W. Bird, John B. Alley, and Horace E. Smith. It advocated the proposed union on the distinct ground of censuring the action of Mr. Webster, repudiating the compromise measures and the administration, and electing a Free Soil senator. The "Emancipator and Republican," edited by Mr. Wilson, the Dedham "Gazette," by Mr. Keyes, the Worcester "Spy," by Mr. Earle, the Lowell "American," by William S. Robinson, the Northampton "Courier," by Mr. Gere, advocated a coalition upon the same basis.

The Free Soil State convention met in Boston on the 3d of October. The convention was called to order by Mr. Wilson, Amasa Walker was made temporary chairman, and Joseph T.



Buckingham was made permanent president. Both Stephen C. Phillips and John Mills sent letters declining to be again candidates for governor and lieutenant-governor. These letters and the question of candidates were referred to a committee of one from each county. The committee reported the names of Mr. Phillips and Mr. Walker as candidates, and they were nominated by acclamation and a rising vote. These nominations were very satisfactory to the party and commanded a hearty support. Mr. Phillips was among the earliest advocates of antislavery in the ranks of the Whig party. He was a successful merchant, of liberal education and culture, a ready, earnest, and forcible speaker, eminently conscientious and practical, and always ready to make personal sacrifices for the cause he espoused. Mr. Walker was also a merchant. Though he belonged to the Democratic party he was an early and earnest antislavery man. With wealth, practical sagacity, mental culture and acumen, he was an earnest and effective worker in the ranks of the new party.

Charles Francis Adams reported a series of resolutions in which the compromise measures were declared to be "shocking to the best feelings of the human heart," and the Fugitive Slave Act "an insult to humanity, a disgrace to free America, and a dishonor to the civilization of the age"; that to "such a law no obedience can spring from the heart;" and that "no duty is more imperative than that of laboring from this time forward for its immediate and unconditional repeal." Brief and eloquent speeches were made by Julian of Indiana, Free Soil member of Congress, Sumner, Adams, Burlingame, Keyes, Leavitt, Bradburn, and White.

Horace Mann had been selected by the Whigs of the Eighth District to succeed John Quincy Adams. His antislavery opinions were well known when elected, and he had never exhibited any faltering in Congress from the position he had maintained at home. His severe criticism and condemnation of Mr. Webster and his course were, however, very distasteful to his Whig constituents, and he was rejected as their candidate for the pending election. But what had so grievously offended the Whigs recommended him to the Free-Soilers. A

District convention was held at Dedham, over which Mr. Adams presided. In his address he said that "there was no question that the striking down of the Representative in this District would be considered by the slaveholders as the greatest triumph yet achieved, because he had the courage to do what no other public man had done. He had boldly taken the great traitor by the throat and held him up to the view of the people of Massachusetts." He said that the present afforded a fine opportunity to "overlook the rigid lines of party," and to extend the hand of fellowship to the men of other parties who agreed with them in "support of great principles." As for himself, he declared his determination never to be a candidate for office "upon a ticket formed by any combination of parties unless it was founded on Free Soil principles." Speeches were made by Edward L. Keyes, Francis W. Bird, and Edwin Thompson. Mr. Mann received the unanimous vote of the convention, and was triumphantly elected by the people.

The Free Soil and Democratic conventions of Middlesex County were held at Concord for the nomination of six Senators on the same day; George F. Farley presiding over the former, and Benjamin F. Butler over the latter. Mr. Farley, on taking the chair, gave a searching review of the Whig party, vindicated the principles of the Free Soil organization, and justified the proposed union of forces for the triumph of the principles of the new party. A committee of conference with the Democrats was appointed. John A. Bolles, William A. White, Chauncy L. Knapp, James M. Stone, and S. P. Adams vindicated the proposed policy for local purposes, for the condemnation of the administration, and the election of a United States Senator pledged to freedom. Mr. Stone gave pertinent expression to the great thought of the movement by saying that he would "use the weapon of the Whig party to strike power out of the grasp of the Democratic party, and the weapon of the Democratic party to strike power out of the grasp of the Whig party."

Mr. Wilson defined the grounds on which he favored the proposed union. Not State issues, but liberty, afforded the



motive that influenced him in his action. By temporarily uniting with the Democrats he hoped to secure the balance of power, and place the Free-Soilers in a position to direct the policy of Massachusetts and place the Old Commonwealth "in the van in the great contest to rescue the government from the grasp of the Slave Power." He wished, above all, to send a true and tried champion of freedom to the Senate of the United States, "to stand side by side with Hale, Seward, and Chase, to fight the battles of liberty for the next six years." Whatever measures might be needful for the glory of the State would receive their support; "but all these measures," he said, "must be subordinate to the great question of the age." In the nomination of Mann and Fowler the Free-Soilers had shown their readiness to unite with Whigs whenever by so doing they could advance their principles. The proffer was accepted by the Democratic convention, the desired arrangement was made in the senatorial and representative Districts, and the nominations, thus made, secured the almost unanimous support of the Free Soil and Democratic parties.

The Free Soil speakers and presses placed their appeal for popular support on the same basis. The views of the masses of the party were well expressed by Mr. Sumner, a few days before the election, in a speech in Faneuil Hall. "It is because," he said, "I place freedom above all else that I cordially concur in the different unions and combinations throughout the Commonwealth,—in Mr. Mann's District, of Free-Soilers with Whigs; also in Mr. Fowler's District, of Free-Soilers with Whigs; and generally in senatorial Districts, of Free-Soilers with Democrats. By the first of these, two good men may be secured in Congress, while by the latter the friends of freedom may obtain a controlling influence in the legislature of Massachusetts during the coming session, and thus advance our cause. They may arbitrate between both the old parties, making freedom their perpetual object, and in this way contribute more powerfully than they otherwise could to the cause which has drawn us together." These sentiments, thus fully and frankly expressed by Mr. Sumner, not only embodied the sentiments of the great body of the



Free Soil party, but unquestionably contributed largely to his selection as candidate for the senatorship after its success.

The coalition triumphed. There was no choice for governor, and decisive majorities were secured in both houses of the legislature. When it assembled in January, 1851, committees of conference were appointed by the Free Soil and Democratic caucuses. With entire unanimity, the Free Soil members authorized their committee, at the head of which was placed the venerable John Milton Earle, to express their entire readiness to elect Mr. Boutwell governor, and to allow Democratic candidates to fill the other State offices, on the sole condition that a Free-Soiler, selected by Free-Soilers, should be elected for the long term to the Senate of the United States. For this they had fought the battle, and for this they were willing to sacrifice everything else. The Democrats acquiesced in the arrangement, though they expressed a preference that Free-Soilers should fill some of the State offices.

But this arrangement was not made without opposition. Mr. Palfrey addressed a letter to the Free Soil members of the legislature in deprecation of the proposed measure, expressing similar sentiments to those he had avowed at the conference. He reiterated the idea that they were overestimating the importance of having a Senator, who must necessarily be in a lean minority, while the risks to the Free Soil party were great,—too great to be wisely run for a boon of such questionable value. He expressed the conviction that they were on the eve of great changes, and of new combinations in the political world, and that they should keep themselves free from entangling alliances, and hold themselves in a position to profit by any new developments which might be, at any time, expected. Mr. Adams wrote a letter to the Boston "Atlas," expressing concurrence in the views maintained by Mr. Palfrey. He expressed confidence in "the purity of purpose" of the Free Soil party, and, though he might not agree with the majority in the means to the end, he believed "the end we mean to reach is one and the same,—the predominance of the principles of freedom in the national policy." He confessed that he felt almost as strongly as any of his party the tempta-

tion to overlook the difficulties in his desire to secure the results. "Most especially should I be reconciled," he said, "to everything short of the dissolution of the party into old-line Democracy, if it could ring the political knell of one whose course has done more, in my humble judgment, to shake the wavering principles and unsettle the highest policy of Puritan New England than that of any man known in its history."

The Free Soil proposition was accepted. Henry Wilson was made president of the Senate, and Nathaniel P. Banks, Jr., speaker of the House; Mr. Boutwell was chosen governor, Mr. Cushman was made lieutenant-governor, Amasa Walker, the Free Soil candidate for lieutenant-governor, was made Secretary of State, the Free-Soilers had four of the nine councilors, and Robert Rantoul, Jr., proposed by the Democrats, was accepted and elected to the United States Senate for the remainder of the time ending March 4, 1851. Mr. Sumner was unanimously selected by the Free-Soilers, receiving eighty-two votes as their candidate for Senator for the long term, and after a somewhat exciting debate his nomination was accepted by the Democratic caucus. A few Democrats, under the lead of Caleb Cushing, opposed his nomination, as also did the "Morning Post," the organ of the party, and several other Democratic papers. Samuel D. Bradford addressed a letter to the Democratic members of the legislature, in which he warned them of the peril to the party the proposed coalition would bring; and he told them they were standing "on the very brink of political annihilation," and implored them not to disturb the country by sending "a firebrand into the councils of the nation."

Robert C. Winthrop was selected as the Whig candidate for Senator. In the Senate Mr. Sumner received twenty-three votes, Mr. Winthrop fourteen, and Henry W. Bishop one. On the first ballot in the House Mr. Sumner received one hundred and eighty-six votes, Mr. Winthrop one hundred and sixty-seven. As one hundred and ninety-three votes were necessary for a choice, Mr. Sumner lacked five of the requisite number. The recusant Democrats gave twenty-three votes, and there were a few scattering ballots cast. This failure to



elect Mr. Sumner caused a deep feeling of disappointment both in and out of the legislature. Conferences and caucuses were held by the Free Soil members almost daily. A committee on organization was appointed, of which Mr. Wilson was chairman. This committee labored with tireless zeal and unfaltering faith. They insisted from the beginning that their candidate could be elected and should be elected, and that no change or compromise should be made. They were sustained by the Free Soil masses and presses and by leading Free-Soilers in and out of the State. Adams, Dana, and Phillips, and others who opposed this alliance with the Democracy, were gratified with the selection of Mr. Sumner as the candidate, hoped for his election, and were opposed to his withdrawal or abandonment.

But, after weeks spent in unsuccessful struggles, some of the Free-Soilers, hoping that some other candidate would be more acceptable, counselled a change. Some of the seceding Democrats intimated that another candidate would command votes that Mr. Sumner had failed to receive. Indeed, Mr. Cushing took occasion to say that Mr. Sumner's cause was "a lost cause." Governor Boutwell, also believing that the contest was hopeless, counselled a change from Mr. Sumner to Stephen C. Phillips. On the 22d of February, Mr. Sumner wrote to Mr. Wilson, requesting him to communicate to the Free Soil members his desire that they should not hesitate to transfer their support to some other candidate faithful to their cause, if success could be thus achieved. In this letter he said: "Abandon me, then, whenever you think best, without notice or apology. The cause is everything; I am nothing."

But the great body of the Free-Soilers were firm, and, notwithstanding the fierce opposition arrayed against their candidate, the timidity of friends, the counsels of the governor, and the inflexibility of the "indomitables," as the twenty-three Democrats styled themselves, they still adhered to their candidate. The contest continued until the 24th of April, when, on the twenty-sixth ballot, Mr. Sumner received just the requisite number, and was elected. With that majority was Na-



thaniel B. Borden of Fall River, an antislavery Whig and former member of Congress, who gracefully yielded to the wishes of a majority of his Whig constituents, as expressed in a memorial, circulated through the tireless efforts of James Buffinton. Of the twenty-three Democrats, it is believed that Israel Haynes of Sudbury finally gave his vote for Mr. Sumner.

The result of the vote was hailed with marked demonstrations of delight, and the Free-Soilers who had doubted the wisdom of the arrangement rejoiced in its success. In the evening an immense meeting was held in State Street, at which congratulatory speeches were made by Thomas Russell, Joseph Lyman, and Henry Wilson. This meeting then moved to the house of Mr. Sumner, but he had retired to the home of a friend in Cambridge, preferring to avoid the anticipated demonstrations of victory. The joyous crowd then went to the house of Mr. Adams, who addressed them, saying: "I am glad of the opportunity to congratulate my friends upon the glorious triumphs of liberty in the election of Mr. Sumner." But Mr. Sumner was by no means ungrateful to his friends for their long and persistent support. In a letter to Mr. Wilson, written on the day after his election, he disowned and warmly expressed his deprecation of the idea of seeming "cold and churlish in thus withdrawing from all the public manifestations of triumph to which our friends are prompted," saying that by so doing he was only following "the line of reserve" he had pursued throughout the contest. To Mr. Wilson's share in the contest he thus referred: "To your ability, energy, determination, and fidelity our cause owes its present success. For weal or woe, you must take the responsibility of having placed me in the Senate of the United States. I am prompted to add, that while you have done all this I have never heard from you a single suggestion of a selfish character, looking in any way to any good to yourself; your labors have been as disinterested as they have been effective."

Opprobrious epithets were plentifully bestowed upon those who planned and participated in the coalition. But the results abundantly vindicated both the principle and the policy of

that movement. By it was placed in the Senate of the United States one who has borne a conspicuous part in the councils of the nation and rendered large service to the cause of freedom. By it was elected to the same high station, though for a brief period, Robert Rantoul, Jr., who, though a member of the Democratic party, was a gentleman of recognized ability and clearly pronounced antislavery convictions, — so pronounced that he lost caste with his party and was discarded therefor. It sent, too, or aided in sending, Charles Allen, Horace Mann, Orrin Fowler, and Robert Rantoul, Jr., to the House of Representatives for the XXXIId Congress. Conscious of the purity of their motives and aims, and gratified and satisfied with the result, the advocates of the coalition turned from the hasty and harsh denunciations of the present, and appealed with assured confidence to the calmer judgments of the future. To those charges of “bargain and corruption” that were then so freely made against the Free Soil leaders Horace Mann replied. Referring to a similar charge, which had been made against the administration of John Quincy Adams, he said: “I believe the same charge against the Free Soil party will have come twenty years hence to the same result, — that of conferring honor upon its object and infamy upon its authors.”

## CHAPTER XXVIII.

### FUGITIVE SLAVE ACT IN CONGRESS.

Caucuses of both parties. — Resolutions indorsing the compromise measures. — Debate thereon. — Linn Boyd, Speaker. — Foote's resolution. — Petition of the Friends for repeal of the Fugitive Slave Act. — Sumner's amendment and speech. — The Fugitive Slave act defended by Clemens, Badger, Dodge, Douglas, Weller, Bright, Dixon, Clay, Butler, Mason, and Pettit. — Sumner's rejoinder.

THE XXXIId Congress met for its first session in December, 1851. The panic-makers demanding congressional indorsement of the compromise measures, there were caucuses of both parties to discuss and decide upon the policy to be adopted. In a caucus of two thirds of the Democratic members of the House, a resolution indorsing these measures, introduced by Mr. Polk of Tennessee, was, with a proposition to refer the matter to the next national convention, laid upon the table. A caucus of a little less than one half of the Whig members was held on the morning of the first day's session, and a resolution indorsing the measures was adopted. On the assembling of the House a brief debate sprang up on the action of those preliminary meetings. James Brooks of New York, announcing the action of the Whigs, by which they presented an harmonious and united front to the country, said it was dangerous for the Democratic party, with its large majorities, to organize the House by pandering to the abolition Democracy of the North or slavery Democracy of the South. Orrin Fowler of Massachusetts denied the binding obligation of the caucus resolution, and revealed the fact that one third of the members present wished to lay it on the table.

The debate at once elicited and exhibited the party tactics that controlled the nation, showing not only the disposition of the slave-masters to dictate terms to the rival parties, but the anxi-



ety of party leaders to conciliate and control the political strength of the slave-masters. Thus Mr. Cabell of Florida expressed his thanks to God that the Whigs had taken their position, and he intimated that those who seceded from the caucus were no longer Whigs; while Mr. Meade of Virginia denounced the action of the Whigs as a trick,—an attempt to impose their “rotten party” and its principles on the South. During the continuance of the debate, a Southern Democrat paraded the fact that eighty-two Democrats and only twenty-six Whigs voted for the Fugitive Slave Act; that of fifty Northern Democrats twenty-eight voted for it, while of seventy-six Northern Whigs only three voted for the measure.

Linn Boyd of Kentucky, who had distinguished himself by his earnest advocacy of the compromise measures, was elected Speaker. President Fillmore, in his message, referred to his previous annual message, reiterated its sentiments and recommendations, and congratulated Congress and the country on the general acquiescence in these measures of “conciliation and peace.”

Soon after the assembling of Congress, Mr. Foote of Mississippi introduced into the Senate a resolution declaring the measures of adjustment to be a final settlement of questions growing out of the existence of slavery. Several speeches were made upon the resolution, but it was never brought to a vote. Resolutions were introduced into the House, substantially to the same effect, by Jackson and Hillyer of Georgia, where they were adopted by decisive majorities.

On the 26th of May, Mr. Sumner presented a petition from the Society of Friends in New England, asking that the Fugitive Slave Act should be repealed; but there were only ten votes for its consideration. On the 27th of July, he submitted a resolution requesting the Committee on the Judiciary to consider the expediency of reporting a bill for the immediate repeal of that Act. The consideration of the resolution was opposed by Mr. Mason of Virginia and Mr. Brooks of Mississippi, who asserted that such a measure would dissolve the Union, and only ten Senators were prepared to vote therefor.

In the Senate, on the 26th of August, he moved to amend the civil and diplomatic bill, so as to provide that no allowance should be made for expenses incurred in the execution of the Fugitive Slave Act, and that such act be repealed. In his speech on their introduction he alluded to the immeasurable importance of the slavery issue, dwarfing all others, and constantly casting its shadow across those halls. Referring to the impotent and inconsistent attempts of the propagandists to enforce silence, while always provoking discussion, he denounced the attempt to repress the liberty of speech, protested against the wrong, and claimed the right to be heard on slavery, as on every other subject. "The convictions of the heart," he said, "cannot be repressed. The utterances of conscience must be heard. They break forth with irrepressible might. As well attempt to check the tides of the ocean, the currents of the Mississippi, or the rushing waters of Niagara. The discussion of slavery will proceed wherever two or three are gathered together, — by the fireside, on the public highway, at the public meeting, in the church. The movement against slavery is from the Everlasting Arm. Even now it is gathering its forces, soon to be confessed everywhere. It may not yet be felt in the high places of office and power, but all who can put their ears humbly to the ground will hear and comprehend its incessant and advancing tread."

He arraigned the enactment in the name of the Constitution it violated, of the country it dishonored, of the humanity it degraded, of the Christianity it offended, and affirmed that every attribute of God united against it. Referring to the requirements of the Act that every citizen, when summoned, should aid and assist in its prompt and efficient execution, he boldly affirmed that "by the supreme law which commands me to do no injustice, by the comprehensive Christian law of brotherhood, by the Constitution which I am sworn to support, I am bound to disobey this Act." He closed his speech with an earnest demand for the repeal of an act so incompatible with every dictate of truth and every requirement of justice. In the words of Oriental adjuration, he said: "Beware of the wounds of the wounded souls. Oppress not to the ut-

most a single heart, for a solitary sigh has power to upset a whole world." This speech—learned, logical, exhaustive, and eloquent, worthy of the cause it advocated—placed the new Senator at once among the foremost of the forensic debaters of America.

Mr. Clemens of Alabama replied in language significant of the barbarism he fitly represented. Expressing the hope that none of his friends would reply, he said, "I shall only say that the ravings of a maniac may sometimes be dangerous, but the barking of a puppy never did any harm." Mr. Badger followed with a labored reply, in which he characterized the speech as "an elaborate oration, carefully written, studied," and "interspersed with curious quotations from modern learning and ancient lore."

Mr. Dodge of Iowa denounced with great bitterness the Abolitionists, and charged them with entertaining the idea of the equality and amalgamation of the races. He also charged them with "panting for the experiment" of introducing "black-skinned, flat-nosed, and woolly-headed senators and representatives," and seeking to break down all distinctions between whites and blacks in respect to "suffrage, offices, marriage, and every other relation of life."

Mr. Douglas denounced the arguments against the Act as against the Constitution of the country. He maintained that the real objection to the law was not in the "form of the trial," but the fact that "the fugitive is sent back to his master." Mr. Weller said it was the first time in his life he had ever listened to the whole of an Abolition speech; but that speech had been so handsomely embellished with poetry, both Latin and English, so full of classical allusions and rhetorical flourishes, as to make it palatable." But he charged its author with making an inflammatory harangue, and indirectly counselling forcible resistance to the law. Bloodshed, he declared, was inevitable, if the constituents of the Senator obeyed his counsels. Turning to Mr. Sumner, he said, with fierce energy: "Murder, I repeat, is inevitable; and upon your hands, sir, ay, upon your hands, must rest the blood of these murdered men."



Mr. Bright of Indiana avowed himself in favor of silencing fanaticism, putting down agitation and agitators, and against all propositions to disturb the compromise measures. Mr. Cass said the law was then in force, and should "never be touched, or altered, or shaken, or repealed by any vote of mine." Mr. Dixon of Kentucky would say "to the Abolitionists, as Cicero said to Catiline and his wicked associates: 'Let them get from within the walls of the city.' Let any patriotic party cut itself loose from them; let them stand alone in the solitude of their own isolated infamy,—the scorn of all, as they are now the reproach of every honorable man."

Mr. Clay of Alabama commented with great acrimony upon the position assumed and defended by Mr. Sumner. He spoke of the avowal that he would not personally aid in returning alleged fugitives in a style of remark, considering the relative character and standing of the two, as ill-mannered as it was ill-tempered, as suggestive as it was scandalous. Alluding to Mr. Sumner's alleged "violation of the dignity and proprieties of the Senate," he expressed his regret that there was not some "penal statute" for its punishment. He spoke of him as a "sneaking, sinuous, snake-like poltroon, feeling the obligation neither of the Divine law, nor of the law of the land, nor of the law of honor," to be excluded from the pale of society, neither shown nor allowed to offer the ordinary courtesies of social life. He compared him to Uriah Heep, and concluded by saying: "If we cannot check individual abuses, we may preserve the dignity of this body and rob the serpent of his fangs. We can paralyze his influence by placing him in that nadir of social degradation which he merits."

Mr. Butler expressed the opinion that primarily there ought to have been no Fugitive Slave Act at all, and that each State was bound to carry out the mandates of the Constitution. He complimented Mr. Rockwell on the soberness of his speech, as of one expressing his real convictions; but he declared that if his were the sentiments of those for whom he had spoken they made the issue of separation inevitable. Turning to Mr. Sumner, he asked if Massachusetts would

send back fugitive slaves if the law was repealed. "Will the honorable Senator," he asked, "tell me that he will do it?" Mr. Sumner rejoined by inquiring, "Does the honorable Senator ask me if I would join in sending a fellow-man into bondage? 'Is thy servant a dog, that he should do this thing?'"

Commenting on the answer, Mr. Butler turned to Mr. Sumner and said, with the dictatorial and insufferable bearing of the plantation, "Then you would not obey the Constitution. Standing here, before this tribunal, where you swore to support it, you rise and tell me you regard it the office of a dog to enforce it. You stand in my presence as a coequal Senator, and tell me it is a dog's office to execute the Constitution of the United States."

Mr. Mason declared that "the dignity of the Senate had been rudely, grossly, and wantonly assailed by the Senator from Massachusetts; and not only the dignity of the Senate, but of the whole people, had been trifled with in the presence of the American Senate, either ignorantly or corruptly." Denying that the act refused the right of *habeas corpus* to a citizen, he avowed that the law had done its office well; "that it had done it in the city of Boston, in the presence of a mob which that Senator and his associates had aroused and inflamed to the very verge of treason."

Mr. Pettit of Indiana remarked that he had lived to hear fall from the lips of a Senator, who had sworn to support the Constitution, the avowal that he disregarded "all such obligations." If a petition was presented for the expulsion of a member who disavowed his constitutional obligations, he would receive it; and if referred to the Judiciary Committee, to which he belonged, he was inclined to think he should vote to report a resolution for expelling the member. He asserted that Senators were not to be tolerated in that body who openly and boldly, in the face of the country, declared that they would violate their oaths. Turning to Mr. Sumner he said: "You swore that you would support the Constitution, all and singular, each and every part, from beginning to end; and you now, in the face of your peers, are the first in the Senate to openly declare that you will violate the oath you have taken

and the bond of union your ancestors made for you." This hint at expulsion referred to a purpose seriously entertained by the Democratic leaders. But it was relinquished because it was found, on a canvass of the Senate, that the requisite vote could not be counted on.

Mr. Pettit then reasserted the sentiment he had expressed during the debate on the Nebraska bill,—that the construction by the Abolitionists of the claim in the Declaration of Independence that all men are created equal was a "self-evident lie," instead of a self-evident truth. He declared that Jefferson would never have stultified himself by saying that his African negro slave—who was born his slave, created his slave, begotten his slave, who was his slave during the whole course of gestation—was created his equal.

To these assaults Mr. Sumner replied with impassioned vehemence and unwonted severity. Singling out the veteran Senators from Virginia and South Carolina, the leaders in this assault, for special mention, he thus coolly and contemptuously dismissed the more vulgar and brutal violence of Pettit and Clay, who had joined in the attack. "Some persons are best answered," he said, "by silence; best answered by withholding the words which leap impulsively to the lips." Having answered their abuse, he now directed his attention to the arguments of his assailants. In vindication of his purpose not to aid in the execution of the Fugitive Slave Act, he referred to and indorsed a passage in the message of President Jackson, accompanying the veto of the United States bank, in which he affirmed that "each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others." Mr. Sumner avowed that he supported the Constitution as he understood it, and maintained that the Fugitive Slave Act had no foundation in the Constitution, and that it was an open and unmitigated usurpation. Declaring that he stood as upon a rock upon his explicit statement of his constitutional obligations, he again avowed that he would not aid, directly or indirectly, in reducing or surrendering a fellow-man to bondage. Looking around upon the Senate, he then asked if there was



a Senator who would stoop to the service of aiding in the surrender of fugitive slaves. To this interrogatory Mr. Clay responded: "He has put the question whether any Senator upon this floor would assist in returning a fugitive slave. I tell him that I would do it." The charge being made that Mr. Sumner had qualified his original declaration, Mr. Toucey of Connecticut expressed his unwillingness to hold any Senator to the consequences of a hasty expression spoken in debate, and proposed in a direct and categorical form the question, "Do you recognize the obligation to return a fugitive slave?" To that query Mr. Sumner responded: "I answer distinctly, No."

The men who constituted the "forlorn hope" of freedom in the Senate at that time were few, and they were compelled to encounter a fierce and imbittered foes, strong in numbers, abilities, and position, and determined to make the most of the advantages afforded them by union and the compromises of the Constitution.

## CHAPTER XXIX.

### PRESIDENTIAL ELECTION OF 1852.

Preparations by the slaveholders of both parties. — Slaveholding compact. — Mr. Webster. — His speech at Capon Springs. — Rival Whig candidates. — Whig caucus. — A “finality” resolution. — Speeches of Brooks and Stanley. — Letter to Democratic candidates. — Replies. — Democratic convention. — Resolutions in favor of compromise measures. — Candidates. — Pierce nominated. — Whig convention. — Mr. Jessup’s amendment and speech. — Dawson’s defiant speech. — Amendment withdrawn. — Resolutions indorse compromise measures. — Mr. Webster’s agency. — Mr. Choate’s speech. — Candidates. — General Scott’s selection. — Mr. Webster’s disappointment. — Free Soil convention. — Mr. Hale made candidate. — Gerrit Smith’s resolutions. — The canvass and result. — General Pierce triumphantly elected.

As the Presidential canvass of 1852 drew near, the busy note of preparation was heard. The more far-reaching, astute, and earnest slave propagandists had been for a long time forecasting the future and laying their plans with reference to the prospective action of the Whig and Democratic parties in their approaching national conventions. They made no concealment of their purpose to dragoon these great organizations into the support of their policy by making their indorsement of the compromise measures a condition precedent of their support. Indeed, before the close of the XXXIst Congress, a compact was entered into by some of the leading members of both parties, declaring their purpose to make the compromise measures a final settlement of the slavery question, and pledging themselves not to “support for President or Vice-President of the United States, for Senator or Representative for Congress, or for member of a State legislature, any man, of whatever party, who is not known to be opposed to the disturbance of the settlement aforesaid, and to the renewal, in any form, of agitation upon the subject of slavery.” This was signed by Mr. Clay, Howell Cobb, and

others, Whigs and Democrats. There were thirty-three signers from the slaveholding States and ten from the free. Among the latter was Mr. Eliot, the Representative from Boston. There were also, scattered throughout the former States, large numbers who occupied the same ground, and who styled themselves the "Reserves," avowedly determined to make everything secondary to what they recognized as sound views upon the slavery question.

While these combined efforts were in progress, Mr. Webster gave himself to a most determined and persistent series of efforts, not simply to defend the compromise measures, but to defame antislavery men and efforts, and to treat with ridicule those religious scruples which many urged as the ground of their opposition. Writing of Syracuse, New York, he spoke of it as "that laboratory of Abolitionism, libel, and treason." Visiting Virginia, in the latter part of June he addressed a large meeting at Capon Springs. In the course of his remarks he thus ridiculed the "higher law": "And, when nothing else will answer," he said, "they invoke religion, and speak of a higher law. Gentlemen, this North Mountain is high, the Blue Ridge is higher still, the Alleghany higher than either; and yet this higher law ranges farther than an eagle's flight above the highest peaks of the Alleghany. No common vision can discern it; no conscience, not transcendental and ecstatic, can feel it; the hearing of common men never listens to its high behests; and, therefore, one should think it is not a safe law to be acted on in matters of the highest practical moment. It is the code, however, of the fanatical and factious Abolitionists of the North." Thus bitterly did Mr. Webster assail the men and women of New England, even a large majority of his own constituents, who had so long delighted to honor him with their confidence and suffrages.

When Congress assembled, in December, 1851, the indications were that Mr. Fillmore would receive the Whig nomination, as he was the favorite of the South, and of those at the North most fully committed to the compromise measures; though Mr. Webster, who had shown himself equally intent on conciliating the Slave Power, had a few earnest advo-



cates. But, as time wore on, those indications became less marked. Symptoms of defection began to appear, resulting from both the pertinacious efforts of Mr. Webster's friends, on the one hand, and the very large numbers who could not indorse, or who did not deem it policy to indorse, the measures of which the President aimed to be the especial champion. It could not be concealed, however, that the slavery issue was felt to be full of menace and weakness to the Whigs, many of whom regarded it as a disturbing and dangerous element, to be considered and disposed of with main reference to its political rather than its moral bearings. The Democrats, on the other hand, with reckless profligacy of principle, looked at it with complacency, and even welcomed it as a source of unity, strength, party discipline, and ultimate success.

On the 20th of April, there was a Whig caucus, for the purpose of fixing the time and place for holding the national presidential convention. A motion being introduced indorsing the compromise measures as "a finality," Mr. Stanley of North Carolina raised a point of order, which was sustained by the chairman, that such a resolution was not "germane" to the purposes of the meeting. A sharp debate ensued, but the decision of the chair was sustained by a decisive vote, though nearly all the Southern members retired from the caucus. During the discussion it was unequivocally affirmed by Clingman of North Carolina, Gentry of Tennessee, Cabell of Florida, and others, that the decisions of the convention would not be regarded by the Whigs of their States if the finality of the compromise measures was not recognized.

This action caused great excitement, especially in Congress. James Brooks of New York, while accusing a portion of the Northern Whigs with faltering in their support of the compromise measures, attributed it to the wavering of their Southern brethren. Alluding reproachfully to this desertion of himself and friends, who had been "hunted down" because of their votes for the measures, so unpopular in his section, he said that without Southern support we shall "all become the miserable victims of fanaticism and political fury." "In that

terrible hour of trial here," he said, "two sessions ago, our services were necessary for them, and they were given to them freely, with the implied, if not expressed, understanding that they would protect us to the extent of their ability." Mr. Stanley replied, maintaining that the compromise measures had not been rejected; that no candidate could receive the Southern vote who did not indorse them; that the national convention would take action concerning them; and that General Scott was in favor of them and would support them, the Fugitive Slave Act included.

In the Democratic party there was less division and doubt. Senator Gwin declared in his place that there was no dissent, at least among those who were seeking the Presidential nomination. To render, however, "assurance doubly sure," Robert G. Scott of Richmond, Virginia, addressed a circular letter to the gentlemen whose names had been mentioned in connection with the Presidency. The substance of his letter was the inquiry whether, if elected, they would support and enforce the compromise measures in all their fulness, including the Fugitive Slave Act; whether they would oppose all efforts to modify or weaken their provisions; and whether, if any such action should be adopted by Congress, they would or would not veto it. A large number hastened to reply. Mr. King of Alabama declared that he should feel bound to negative any such action. Mr. Houston of Texas said that he should not hesitate to veto any bill "impairing the law for the protection of slave property." Daniel S. Dickinson of New York declared that he would most certainly use the veto power to defeat any attempt to disturb or change the provisions of the Fugitive Slave Act. George M. Dallas of Pennsylvania expressed it as his answer that every chief magistrate should say, in relation to the execution of all the compromises, heartily and positively, "Yes, I would." General Joseph Lane, afterward candidate for the Vice-Presidency, spoke of the "valuable enactments," and his readiness to veto any legislation that would impair them. Mr. Douglas said that no act calculated to impair the efficiency of those measures could receive his approval. Mr. Buchanan characterized the



Fugitive Slave Act as a "bond of peace between the slaveholding and the non-slaveholding States," and declared that these measures of adjustment without that act "would not deserve the name of compromise," and that "the harmony of the States and the preservation of the Union depended on the execution of the compromise measures in their fulness." Mr. Cass expressed the belief that a repeal or essential modification of the Fugitive Slave Act would destroy all confidence in the good faith of the North, and "would lead to the dissolution of the Union"; and he believed it would be the duty of any President to veto any legislation designed to impair its efficiency. Similar answers and pledges were given by several other gentlemen addressed.

The Democratic convention met at Baltimore, June 1, 1852. Every State in the Union was represented but South Carolina. The convention was called to order by Benjamin F. Hallett of Massachusetts, chairman of the national executive committee, and John W. Davis was chosen president. There was little difference of opinion in the convention concerning anything but men. The Slave Power had crushed out all opposition, and there was none to raise a single word of remonstrance against the most high-handed oppression, or to speak even faintly for justice and humanity. One member had been guilty of the grave offence of sympathizing somewhat with the friends of freedom in Massachusetts, and of acting with the coalition in that State between the Democrats and the Free Soil parties; and, although a leading lawyer and a most accomplished gentleman, the choice, too, of the great body of his party in his District, Robert Rantoul, Jr., was refused admission, and his seat was given to Mr. Lord, who was simply known to be conservative on the great question. This outrage was perpetrated against the earnest opposition of Mr. Nye and Mr. Dix of New York, who strongly protested against such proscription for opinion's sake.

As soon as the convention was organized, Senator Bright of Indiana and others hastened to introduce resolutions in favor of the compromise measures and of the faithful execution of the Fugitive Slave Act. There was little difficulty in forming



a platform. The only strife seemed to be as to who should make the most humiliating concessions and bow most abjectly at the feet of the arrogant and exacting Power. In the platform adopted it was declared that Congress had no power to interfere with the domestic institutions of the States, and that all efforts of Abolitionists or others to induce Congress to interfere with them are calculated to lead to "the most alarming and dangerous consequences"; that the party "will abide by and adhere to a faithful execution of the acts known as the compromise measures, the act for reclaiming fugitives from service included"; and that it will resist all attempts at renewing, in Congress and out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made.

The prominent candidates were Cass, Buchanan, Douglas, and Marcy. There were a few New York Democrats who were in the Free Soil movement of 1848, but who had returned to the Democratic organization. Reluctant to exhibit the gross inconsistency involved in sustaining the compromise measures and those committed to their support, they favored the nomination of General Butler of Kentucky. But under the strong pressure he had been compelled to succumb to the fierce demands and madness of the hour. And so strong were the partialities of the supporters of each, that from the outset it was perceived that great, if not insuperable, difficulty would be encountered in fixing upon either of these gentlemen as the choice of the convention. In fact, though the party was harmonious upon the principles involved in the contest, they were hopelessly divided as to the persons who should represent those principles. On the first ballot Mr. Buchanan led, receiving one hundred and sixteen votes; Mr. Douglas receiving twenty votes, the smallest number. After balloting forty-eight times without success, on the forty-ninth ballot Franklin Pierce of New Hampshire, for whom not a single vote was cast on the first ballot, received all but four votes, and he was declared the nominee. William R. King of Alabama received the nomination for the Vice-Presidency.

Mr. Pierce was a man of fair abilities, and of considerable

local reputation as a lawyer and politician, but without national prominence or influence. Though courteous in his social intercourse, he was marked for his extreme partisanship, and was intensely proslavery. In his letter of acceptance he not only indorsed and placed himself squarely on the platform, but he volunteered the statement that "the principles it embraces command the approbation of my judgment, and with them I believe I can safely say that no word nor act of my life is in conflict." Mr. King was a gentleman of commanding personal appearance, of great urbanity of manners, an admirable presiding officer, but holding the most extreme opinions on the subject of slavery.

The Whig national convention met in the same city on the 16th of June. A meeting of the Southern delegates had been previously held, at which a committee was appointed to propose resolutions "expressive of the doctrines of the Whig party." On the assembling of the convention there was great excitement, and a sharp contest between opposing factions for precedence in the work of organization. Simeon Draper of New York gained the floor, nominating George Evans of Maine as temporary chairman. John G. Chapman, who had been chairman of the Southern caucus, was chosen president, and the secretary of that caucus was selected to fill the same office of the convention.

To a motion that the committee on resolutions should consist of one from each State Mr. Jessup of Pennsylvania proposed an amendment that "each member should be authorized to cast the number of votes to which said State is entitled in the Electoral College." He explained its introduction by the remark that it was "an act of justice to the larger States." The amendment was adopted by a majority of six. It was, however, regarded as an attack upon State rights, and Mr. Ewing of Tennessee substituted for the resolution thus amended substantially the original motion; to which Mr. Jessup offered the same amendment which had just been adopted. A sharp and exceedingly significant and suggestive debate arose, in which the mover made an earnest and what was manifestly designed to be a conciliatory speech. His evident aim was to

pour oil upon the troubled waters. Mr. Jessup was a leading lawyer and jurist in his State, distinguished for his probity of character, identified with the religious, benevolent, and reformatory associations of the day, being for many years president of the American Board of Commissioners for Foreign Missions. Though he had been generally antislavery in his sympathy and utterances, and was now opposed to the extreme demands of the South, and desired such an arrangement of the committee as would fairly express the sentiments of the people, it was evident, from his speeches on that occasion, that his great anxiety was to maintain intact the organization of the party, and to give assurance to the Southern wing of its essential soundness, according to its estimate on the slavery question. "I believe," he said, "there is no reason for doubting the attachment of Pennsylvania to the Constitution, the compromises of the Constitution, and to all laws enacted under these compromises. I venture to affirm, for the delegation on this floor, that there is no set of men in this Union who are resolved to go further in support of all the enactments of the general government than the delegation from Pennsylvania." After expressing his conviction that there should have been presented "a set of conservative resolutions, not adapted to extreme meridians on the one side or on the other," he said: "I believe that the delegation from Ohio and the delegation from New York have been misrepresented and misunderstood, as much as I believe the delegation of Pennsylvania has been misunderstood. I affirm, from my intercourse with the delegations of these three great States, that they stand upon a position which I believe our Southern brethren will appreciate most fully."

Mr. Dawson of Georgia, in his speech opposing the amendment, clearly and unequivocally put the Southern side of the issue. "This," he said, "is the first attempt which has ever been made to convert this country into the wildest kind of democracy,—the democracy of numbers." Saying that Rhode Island or Delaware was entitled to the same power as New York, Pennsylvania, or Ohio, he complained that even some conservative men were voting that "numbers shall govern, and not



the sovereignty of States"; and he asserted that it was "the wildest effort that was ever made to alienate one section from another." Affirming that he had always been a Whig, he said: "Whenever the party abandons those great principles, so help me God, I will abandon it." This inexorable and defiant attitude of Southern men had its designed effect. The amendment was withdrawn, and, as usual, the North succumbed. The "National Era," speaking of this action of the Northern delegates, thus fitly characterized them: "Their wrath is always greater than their endurance. They are remarkable for kicking out of the traces, but still more remarkable for kicking in."

Mr. Ashmun was made chairman of the committee on resolutions. He was an ardent admirer and advocate of Mr. Webster, and sincerely attached to his fortunes. This fact, certain internal evidence, and the testimony of Alexander H. Stephens, make it quite sure that Mr. Webster, if not the author, was cognizant of the character of the resolutions presented. Mr. Stephens states that Mr. Choate, who was a member of the convention, was in Washington in conference with Mr. Webster just before it met; that Mr. Webster, while Mr. Choate was with him, called, and read to him the series of resolutions agreed upon, and which were to be presented to the convention. At his suggestion Mr. Webster interlined, with his own hand and in his presence, the words "in principle and substance," which appeared in the eighth resolution. The resolutions, therefore, without doubt, expressed his sentiments. Nor did this presumption receive small support from the impassioned and brilliant speech which Mr. Choate made on their reception and in their behalf, in which he not only indorsed the compromise measures as "a finality," but he branded all opposition to them, on the ground of principle, as fanaticism.

The eighth resolution of the series contained the gist of the whole, — at least, in regard to the great subject at issue. It declared that "the series of acts of the XXXIst Congress, the act known as the Fugitive Slave Law included, are received and acquiesced in by the Whig party of the United States as a final settlement, in principle and substance, of the danger-

ous and exciting questions which they embrace, . . . and we deprecate all further agitation of the question thus settled as dangerous to our peace, and we will discountenance all efforts to continue or renew such agitation whenever, wherever, or however the attempt may be made; and we will maintain this system as essential to the nationality of the Whig party and the integrity of the Union." This platform was adopted by a vote of two hundred and twenty-seven to sixty-six.

In answer to vociferous calls, Mr. Choate addressed the convention in a speech of great forensic brilliancy and force, in which, however, was far more apparent the special pleading of the advocate than the calm consideration of the statesman. Speaking of those who opposed the Fugitive Slave Act for conscience' sake, he spitefully told them that their opposition was mere fanaticism, "to the end," he said, "that it may leave itself unchecked by its own conscience to asperse the motives of the authors of this scheme of peace and reconciliation, — to call in question the soundness of the ethics on which it rests, and to agitate for its repeal. But the American people know, by every kind and degree of evidence by which anything can ever be known, that these measures, in the crisis of their time, saved this nation. I thank God for the civil courage which, at the hazard of all things dearest in life, dared to pass and defend them, and 'has taken no step backward.' I rejoice that the healthy morality of the country, with an instructed conscience, void of offence toward God and man, has accepted them. Extremists always denounce all compromises. Alas! do they remember that such is the condition of humanity that the noblest politics are but a compromise, an approximation, a type, a shadow of good things, the buying of great blessings at great prices? Do they forget that the Union is a compromise; that the harmony of the universe is but the music of compromise, by which the antagonisms of the infinite Nature are compassed and reconciled? Let him who doubts, if such there be, whether it was wise to pass these measures, look back and recall with what instantaneous and mighty charm they calmed the madness and anxiety of the hour! How every countenance everywhere brightened and elevated itself! How,

in a moment, the interrupted and parted currents of fraternal feeling reunited!" Thus fervently, not to say frantically, did this eloquent orator clamor for compromise and peace.

Perhaps, too, no man ever put more strongly and unblushingly the idea of mere expediency, as distinguished from principle, in bidding for Southern, or, in the parlance of the hour, "national" support. In urging Democratic example as a reason for indorsing the compromise measures, he said: "In the first place, our predecessors of the Democratic convention in this hall have made it indispensable. If we do not make it as comprehensively and as unequivocally as they have, we shall be absorbed, scattered,—absorbed by the whirlpool, scattered by the whirlwind of the sentiment of nationality which they have had the sagacity to discover and hide under. Look at their platform, and see what a multitude of sins of omission and commission, bad policy and no policy, the mantle of nationality is made not ungracefully to cover." Changing the figure, he said: "You may spread your board as temptingly as you please, if the national appetite does not find there the bread and water of national life, the aliment of nationality, it will turn from your provision in disgust." He urged as another reason the desirableness of having the platform so unequivocal that they could not be tempted to present one line of argument at the North and another at the South. In other words, everything should be conceded to Southern principles and prejudices, and nothing to Northern principles and convictions. "Lead us not into such temptation," he said, "and deliver us from such evil. How much better to send up the Union flag at once to the mast-head, blazing with 'Liberty and Union, now and forever, one and inseparable,' and go down even so!"

Mr. Anderson of Ohio opposed the indorsement of the compromise measures, not because he did not accept them, and not because he did not "hate an Abolitionist," for he admitted he did, but because he believed that it was impolitic; because its adoption would "split us as a party, increase the number of our enemies, and bring upon us that very agitation which it is sought here to prevent." Mr. Botts of Virginia,



replying to Mr. Choate, expressed his regret that "all his nationality, all his patriotism, centred in the laudation of a single individual." This led to an excited colloquy, in which Mr. Choate, after denying that he had any such purpose, said with the ready adroitness of the practised advocate: "What a patriotism that must be, what a long and brilliant series of public services that must be, when you cannot mention a measure of utility like this but every eye spontaneously utters that great name of Daniel Webster!"

There were three prominent candidates for the suffrages of the convention, — Mr. Fillmore, General Scott, and Daniel Webster. It was notorious, hardly an "open secret," that the President and his Secretary of State had been running a race for Southern support, and that each had staked his all of political capital in his earnest efforts to win the Southern vote. Mr. Webster's friends were few in number, but zealous in their efforts. They hoped that, through some contingency, Mr. Fillmore would be abandoned, and that their favorite would be accepted. To prepare the way for, and to promote, this consummation they so devoutly wished, they were vehement in their protestations of regard for Southern rights, exalting the act of capturing fugitive slaves to the rank of a religious duty, if they did not adopt the indorsement of the compromise measures as an article of their religious faith. General Scott had the support of the antislavery Whigs, though there was little in his known character and antecedents to justify that support, except the consideration, perhaps, that he was less obnoxious to censure than were his competitors. There were, too, some Southern men, like Botts of Virginia, who gave him their preference. But the main claim in his behalf, as urged by his friends, was based on his military record and his great name as a soldier. On the first ballot Mr. Fillmore received one hundred and thirty-three votes, General Scott one less, and Mr. Webster only twenty-nine. It was not until the fifty-ninth ballot that General Scott received one hundred and fifty-nine votes, which was a majority, and he was declared the Whig candidate for the Presidency. During all these ballotings the Massachusetts delegation cast its votes for Mr.

Webster, with the exception of Mr. Dawes, then a young and rising lawyer, who has since earned such honorable distinction in Congress. He resisted all entreaties to forsake his principles, and he cast his vote continuously for General Scott. On the last vote Mr. Webster received but twenty-one. William A. Graham of North Carolina was made the nominee for the Vice-Presidency. General Scott was a Virginian by birth, and generally conservative in his sentiments and feelings. He owed his selection only to his military reputation and the availability it was supposed his military prestige would bring to the ticket. Mr. Graham was a gentleman of the Southern school, of fair abilities, conservative in his tendencies, though decided in his adhesion to slavery as a system to be protected and defended.

The result greatly disappointed both the President and his Secretary. Both had earnestly sought the coveted prize, and both had made great sacrifices to obtain it. In their eager pursuit of Southern support, both had deserted devoted friends, and ignored words and votes they had formerly spoken and given in favor of freedom and human rights. But Mr. Webster was the special object of public thought and speculation, of criticism and censure. His unquestioned abilities, his signal services and glorious utterances, had greatly endeared him to his Northern friends and supporters, and he was almost regarded as their property, in whose great gifts and their use they seemed to have a kind of ownership. His defection, then, seemed to them not only like desertion from family, friends, and faith, but a personal loss. Many were indignant and incensed; some regarded it more in sorrow than in anger; while in others all personal considerations were swallowed up by their feelings of apprehension and alarm. As they regarded the national calamity involved in that Northern paralysis and demoralization exhibited in the timid and unprincipled action of the convention, they felt that they were largely due to the pernicious example and teachings of Mr. Webster. Nor had they little cause to feel, as they remembered his persistent and embittered denunciations of Abolitionism and its advocates, his mockery of the higher law and the religious

scruples of those who could not "conquer their prejudices," and who would not follow his lead, that the contemptuous neglect of those for whom he made such sacrifices was too well deserved. And, though he could say to a company of serenaders, on the evening of the convention, with simulated equanimity and with his usual felicity of expression: "You may be assured that there is not one among you who will sleep better to-night than I shall. I shall rise to-morrow morning with the lark; and, though he is a better songster than I am, I shall greet the purple east as jocund, as grateful, and as satisfied as he," they could not but believe what his bosom friend and biographer admitted, that he was "disappointed and hurt" and "chagrined" at the result. When they saw him go home, presaging the speedy dissolution of the Whig party and foreboding serious evils to his country, and in a few months sinking into his grave, they felt, amid the general sorrow, as never before, the greatness of his mistake.

The Free Soil national convention met in Pittsburg on the 11th of August. The attendance was large. Samuel Lewis called the convention to order, and Judge Spaulding was made temporary chairman. In his introductory remarks Mr. Lewis said that the convention was "intended to include all the friends of freedom, under whatever name they shall be known." Henry Wilson of Massachusetts was made president. Invoking on their proceedings the spirit of harmony and union, he said: "Let us feel that we must free the Federal government from slavery,—from all responsibility for it wherever it exists under its authority, and place it actively and perpetually on the side of freedom. . . . Let us feel that we should so conduct our deliberations that we may hasten on that day when the humblest slave that treads the soil of the Republic can stand up and say, 'I am a man, a brother, and a freeman.'"

On the second day, after considerable discussion upon the method of casting their votes, it was determined to vote *per capita*; and on the first ballot John P. Hale of New Hampshire received one hundred and ninety-two votes, and was de-



clared to be their candidate for the Presidency ; Mr. Julian of Indiana receiving a unanimous vote as candidate for the Vice-Presidency. Mr. Giddings, from the committee on resolutions, reported a series, not only enunciating the great primal truths of human rights and free institutions, but setting forth in fitting phrase the flagrant departures of the government from these principles, especially in the annexation of Texas and in the compromise measures. They announced as a truth of great moment that “no settlement of the slavery question can be looked for except in practical recognition of the truth that slavery is sectional and freedom national.” Declaring slavery to be “a sin against God and a crime against man” ; that “the Fugitive Slave Act of 1850 is repugnant to the Constitution, to the principles of common law, to the spirit of Christianity and the sentiments of the civilized world” ; that “the doctrine that any human law is a finality is dangerous to the liberties of our people” ; that the Whig and Democratic parties were “hopelessly corrupt and unworthy of confidence,” — they inscribed on their banner, “FREE SOIL, FREE SPEECH, FREE LABOR, FREE MEN.”

Gerrit Smith, not deeming the report of the majority sufficiently thorough, made a minority report, which, after some discussion, was withdrawn. He also made a speech of great force of thought and expression. He arraigned “this prominently guilty nation” for committing the most diabolical crimes “in the name both of republicanism and Christianity.” Were the government despotic and its religion heathen, he said, “there might be some hope of republicanizing her politics and Christianizing her religion. But, now that she has turned into darkness the greatest of all political lights and the greatest of all religious lights, what hope is left for her?” The three leading points of the resolutions and of his speech were that the Constitution was an antislavery instrument ; that slavery could not be legalized ; and that there could be no moral wrong in violating laws made at its behests. Referring to what was popularly known as the Jerry rescue, in which he participated, he said : “I summon you all to come up to the Jerry level. From no lower level can you fight slaveholders

successfully. From no lower ground than that of the impossibility of legalizing slavery can you make headway against the pirates whose power consists in the admitted legality of their piracy."

With their chosen leaders the three parties went into the contest. The Free-Soilers did not expect to win even a single elector. A vote with them was a simple "testimony," an entering wedge, by which they fondly hoped to break the long and ill-starred connection between slavery and the government. Their leaders had distinguished themselves in Congress for their manly and courageous stand against the Slave Power, and were well worthy of the high distinction of leading freedom's forlorn hope in that dark hour.

The Whigs entered upon the canvass with little heart or hope. It was not only that they were called upon to confront a triumphant and arrogant foe, harmonious and compact, accustomed to victory and determined still to win, but they were themselves hopelessly divided in spirit and aim, in purpose and plan, and the convention had caused and left bitter resentments and heart-burnings. Though the Southern wing had dictated the terms of the platform, they were disappointed in their candidate. Mr. Fillmore's adherents,—the Southern extremists and the Northern "silver grays,"—being thus defeated in their candidate, lent but a lukewarm and ineffective support, while Mr. Webster made no concealment of his want of sympathy with the ticket and his willingness to see it defeated. And not only did Mr. Webster refuse his support to the Whig party, but he spoke of it as moribund, predicted its speedy dissolution, and expressed his conviction that after the election it would be known "only in history." Notwithstanding its Southern platform and its concessions, notwithstanding all its words of conciliation, Stephens and Toombs of Georgia, Jones and Gentry of Tennessee, and others, issued a card early in July expressive of their refusal to support General Scott, for the assigned reason that he was the favorite of the Free Soil wing of the party, and had suffered his name to be used by avowed enemies of the compromise measures. On the other hand, the antislavery supporters of General Scott



were obliged to occupy a most equivocal position, — to accept a platform exceedingly distasteful, and against which seventy votes had been recorded, so that men and presses, while advocating his election, were compelled, or felt constrained, to “spit on the platform” on which he stood. With such elements of weakness and under omens so inauspicious did the Whig party go into the contest of 1852.

There was little or no division in the Democratic ranks. They, indeed, who had acted with the Free Soil movement of 1848 had reason for embarrassment as they attempted to reconcile their conduct in forsaking their party four years before with their “hot haste,” as expressed by Mr. Hale in his letter of acceptance of the Free Soil nomination, “to enroll themselves under a banner upon which are inscribed sentiments and principles sevenfold more odious and abominable than those against which they revolted.” And, though they made the attempt, it was generally perceived that it did but render more glaring their inconsistency and profligacy of principle. Even the New York “Evening Post,” their leading organ, in its attempted justification, while denouncing the platform as “a farce,” deemed it a legitimate reason for supporting Mr. Pierce that he was “uncommitted,” as the other candidates had committed themselves, “by any letter”; so easily convinced, and on such slight pretences, did the men who subscribed to the doctrines and joined in the protestations of the Buffalo platform ignore that record, and join in a campaign unprecedented for the completeness of its surrender to the new demands and far-reaching encroachments of the Slave Power.

But the most humiliating page of this history is that which records the result, the triumph of the Democratic party. Nor was it mere success; it was decisive and signal. Its conquering legions swept the country. All but four States recorded their votes in its favor. And yet it implied the indorsement of the compromise measures, freighted as they were with crime and cruelty, without the abatement, urged in the Whigs’ behalf, that there was a large minority in the party opposed to their adoption. Nor was that all. The crowning infamy of that disastrous campaign was the popular indorsement of that



most flagitious resolution, adopted by both conventions, that these measures should be regarded as "final"; that, wicked and oppressive as they were, there should be no further agitation of the subject. Neither the poor boon of protest nor even an attempt to repeal or modify was allowed. The nation was to be not only bound, but dumb. And to all this the people gave their emphatic sanction. No darker day, not even the most critical period of the Rebellion, has ever marked the history of the Republic. For this only threatened the forcible subjection of the body; that betokened the complete enslavement of the soul. In the face of all the pulpits and presses of the land, notwithstanding the antislavery agitations of a quarter of a century, only one hundred and fifty thousand, out of more than three millions, were found ready to refuse their votes even for measures so infamous and wrong.

And this was the statesmanship of the hour. Nor was it an unfitting climax, or culmination, of much that had preceded it. Much has been claimed for the great statesmen of the earlier and palmier days of the Republic, especially of the time now passing in review. Without detracting from the well-earned fame of many, not only is there the testimony of John Quincy Adams that up to his day "the preservation, propagation, and perpetuation of slavery" had ever been "the animating spirit" of the American government, but the statement is due to historic verity that a main feature of the national policy had been from the outset that of retreat. As the government began its existence by yielding vantage-ground it might have retained, so did its great and leading men, especially after the great Missouri struggle, too often signalize their career by some new concession, some new form of compromise to the Slave Power; until, driven from one position after another, the nation seemed, by the voice and vote of this election, to have made a full surrender, and to have sought an ignoble peace by both ceasing resistance and promising never to resume it. According to the military maxim that it requires greater skill to conduct a successful retreat than to achieve a victory, merit may not be wanting, though he would be hardly esteemed a great general whose only excellence consists in conducting retreats.

## CHAPTER XXX.

### THE ABROGATION OF THE MISSOURI COMPROMISE.

The Missouri compromise. — Bill for the organization of the Territory of Nebraska. — Lost in the Senate. — President Pierce's message. — The Nebraska bill. — Dixon's proposition to abrogate the Missouri compromise. — Its repeal reported by Mr. Douglas. — President's commitment. — Meeting of New York Democrats. — Mr. Fenton's visit to the President and Secretary of State. — Secretary Marcy's position. — The appeal of the Free Soil members. — Bill for the organization of Kansas and Nebraska. — Speech of Mr. Douglas. — Mr. Chase's amendment and speech. — Speeches of Wade, Everett, Smith, Houston. — Mr. Douglas's amendment. — Mr. Chase's amendment. — Speeches of Seward, Sumner, Toombs, Fessenden. — Badger's amendment. — Closing speech of Mr. Douglas. — Passage of the bill. — Memorial of the New England clergy. — Excited debate. — Mr. Richardson's House bill. — Speeches of Meacham, Stephens, Breckinridge, Yates, Keitt, Clingman, Washburn of Maine, Smith, Benton, Goodrich. — Defence of the clergy by Banks. — Great struggle in the House. — Passage of the bill. — Excited debate in the Senate. — Passage through that body. — Triumph of the Slave Power.

No event in the progress of the great conflict stands out more prominently than the abrogation of the compromise of 1820. As both effect and cause it defies competition and almost comparison with any single measure of the long series of aggressions of the Slave Power. It was more than a milestone, indicating the distance which the nation had travelled in its disastrous journey; it was a beacon, giving warning of approaching danger. No single act of the Slave Power ever spread greater consternation, produced more lasting results upon the popular mind, or did so much to arouse the North and to convince the people of its desperate character. Lulled by the siren song and drugged by the sorceries of compromise, they had learned to regard with equanimity and to acquiesce in the fixed facts of slavery as, exclusively and perpetually, a Southern system, confined within established limits, and kept back by impassable barriers. So long as it was only the slave that was crushed by its power, and the slaveholding States that

were cursed by its presence, the North, sordid and safe, accepted its existence, and even welcomed its pecuniary and political aid, because it put money in its coffers and gave it votes, pleading ever the compact of the fathers as their confident reply to the simple claims, however urgent, of justice and humanity. But when the compromise itself was abrogated, and its obligations were treated as a thing of naught; when the monster, who had been hitherto restricted in his limits, and could only glare across the line, gave no equivocal indications of his purpose to spring upon the fair domain of freedom, and range at will over territory that compromise had made inviolate, then the cry of danger reached ears that were deaf to the voice of duty. Though large masses of the people were still craven, and ready, for present advantage, to eat the bread of dishonor, this flagrant outrage increased the number of those who comprehended the situation, and who were willing to co-operate with others to resist encroachments that were becoming so serious. Men who sat unmoved under the fulminations of the Abolitionists, answering their arguments and warding off their appeals by the cool assumption that they were but the words of fanaticism and folly, did not remain quite as serene when they witnessed these encroachments and anticipated the day, seemingly not very remote, when the whole country would be laid open thereto. Never before had so much feeling been elicited; never before had so many been found ready to disown their former allegiance to the Slave Power and combine for its overthrow.

At the time of the admission of Missouri with the prohibition of slavery north of  $36^{\circ} 30'$  there was a vast and fertile region lying west and northwest of that State and stretching away to the Rocky Mountains. That beautiful territory, now covered by the States of Kansas and Nebraska, had been forever consecrated to freedom by the compromise of that act. Sixteen years afterward, the western boundary of Missouri, lying in the Platte country, was extended westward, adding thereby territory enough to make seven counties. This conversion of free territory into slave soil was, however, in direct violation of the Missouri compromise, and was carried through



Congress under the lead of the Missouri delegation. Having converted in 1836 this portion of free soil to the purposes of slavery, and covered it with thousands of bondmen, the people of Western Missouri desired to enter that magnificent region which lay beyond, in the heart of the continent, and to carry their slaves with them.

At the second session of the XXXIId Congress, Willard P. Hall, a Representative from Missouri, introduced a bill organizing that vast region into a Territory. It was referred to the Committee on Territories, of which William A. Richardson, a Democratic member from Illinois, was chairman. On the 2d of February, 1853, the committee reported a bill for the organization of the Territory of Nebraska. Much opposition was manifested to its passage; but it passed the House on the 10th of February by more than a two-thirds vote. In the Senate it was referred to the Committee on Territories, of which Mr. Douglas was chairman, and reported back without amendment. On the 2d of March, Mr. Douglas made an unsuccessful motion to proceed to its consideration; and when he renewed it the next day it was laid on the table, on motion of Mr. Borland of Arkansas, by a majority of six. The Senators from the slave States, with the exception of those from Missouri, opposed the organization of a Territory which they believed was sure to become a free State, and the effort failed.

The XXXIIIId Congress met on the 5th of December, 1853. President Pierce congratulated the country on the sense of repose and security in the public mind which the compromise measures had restored. He assured Congress, and especially those who had placed him in the executive department of the government, that "this repose is to suffer no shock during my official term, if I have power to avert it." These congratulations of the President were, however, manifestly based upon superficial and fallacious views of the real character of the much-lauded compromise and its logical sequences. Failing so signally to comprehend the past, it was not strange that he did not rightly forecast even the near and immediate future. The fact that his own administration was at once to enter upon a policy that would "shock" this seeming repose, dis-

turb the country, and plunge the nation into rebellion and civil war, was evidently far from his thoughts. He did not then apprehend, as he was soon compelled to know, that the repeal of the Missouri compromise was the beginning of the end, the final stage of that open and undisguised aggression and lawless violence which culminated in the slaveholders' Rebellion.

On the 14th of December, 1853, Augustus C. Dodge, the Democratic Senator from Iowa, introduced a bill for the organization of Nebraska. This was referred to the Committee on Territories, which on the 4th of January reported it back with amendments. In the accompanying report the original validity of the Missouri compromise was questioned, and the unauthorized declaration was made that the compromises of 1850 left all questions of slavery to the decision of the people residing in any given Territory. But it was not even hinted that these measures abrogated the prohibition of 1820, nor was its repeal proposed. That new advance had not been made, that new dogma had not been proclaimed. A few days afterward the bill was recommitted to the committee, and on the 16th, Archibald Dixon, a Whig Senator from Kentucky, gave notice of an amendment which he intended to offer, abrogating the Missouri compromise so far as it prohibited slavery, and providing "that the citizens of the several States or Territories shall be at liberty to take and hold their slaves within any of the Territories or States to be formed therefrom." The next day, Mr. Sumner gave notice of an amendment, providing that nothing contained in the bill should be construed to abrogate or contravene the act of the 6th of March, 1820.

On the 23d, Mr. Douglas reported back the bill, modified and amended. It proposed a division of the territory into two Territories, the southern to be called Kansas and the northern Nebraska. It provided that all questions pertaining to slavery in the Territories, and in the new States to be formed therefrom, should be left to the decision of the people, through their appropriate representatives; "that all cases involving title to slaves" and "questions of personal freedom should be referred to the adjudication of the local tribunals, with the right of appeal to the Supreme Court of the United States"; and that the



Missouri compromise act of March 6, 1820, "was suspended by the principles of the compromise measures of 1850, and is hereby declared inoperative and void."

It is stated, on the authority of Mr. Fenton, that on the day in which Mr. Douglas introduced his substitute, in consequence of a rumor that the President had agreed to adopt it as a measure of the administration, a meeting of a portion of the New York delegation, popularly designated as the "softs," was held at his room to consider this unwarranted movement. As a result of this conference, it was agreed that Mr. Fenton should visit the President and the Secretary of State, to ascertain the disposition of the administration at this critical juncture. He found the President very much excited over the prospect of a defection of any of the New York Democrats. He said he had certainly calculated on the support of the "softs," as he had shown them at least equal consideration in the distribution of patronage. Mr. Fenton, while expressing kindly feelings, told him that no amount of administration favor could induce him, and he thought that was true of others, to support "a measure so utterly opposed alike to his convictions and his sense of duty." The President earnestly urged that he should not commit himself hastily in opposition to a measure based on Democratic principles.

Mr. Fenton, repairing to the Secretary of State, expressed to him the additional regret it would cause to learn that he too was to give adhesion to the proposition of Senator Douglas. The Secretary seemed depressed, and remarked that if Mr. Fenton had made up his mind on the question it was idle for him to advise. He further stated that the proposition, as a fundamental principle, was Democratic, and that the only question was as to the application under the circumstances. During this interview it was disclosed that he had not been consulted in the matter; that Breckinridge, Phillips of Alabama, Douglas, and one or two others, had been with the reluctant President on the Saturday and a portion of the Sabbath preceding the Monday on which the substitute was presented; and that, after this long discussion, he had finally agreed upon the phraseology to be adopted, and had himself put it in writ-



ing, at least so much of it as related to the abrogation of the Missouri compromise and the assertion of the right of the people of a Territory to regulate their own domestic affairs. It is believed that Douglas kept this draught, not less for a guide than for his protection against the possible timidity of the President. On leaving the mansion they were requested to repair to the Secretary of State, in whose prudence and sagacity the President had great confidence; but he was absent, having gone to dine with a member of his family then residing in the city, so that, in fact, he was not consulted, and did not learn of the action taken until about the very hour it was proposed in the Senate by Mr. Douglas.

Secretary Marcy was greatly moved in view of the probable discontent resulting from the proposed measure, and had grave apprehensions of its fatal effect upon the party; but he gave no advice to Mr. Fenton, simply remarking that every person must judge of his duty for himself and walk in the light of his own convictions. He invited, however, a few days afterward, a half-dozen or more of his personal and political friends in Congress from New York to his room, with whom he discussed the propriety of longer remaining in the Cabinet. A majority believed that his retirement at that time would open the doors for the "hards" to walk in and occupy the whole administration ground in New York, and be likely to endanger still further the stability and integrity of the party in the State and nation; and they deemed it best that he should remain. Whether he would have retired had their advice been different is not known, but it is very certain that he never sought to influence members of Congress upon the issue thus presented, and was very reticent in all his subsequent private and official intercourse in relation to it.

The bill was called up the next day, though, at the suggestion of several Senators, its consideration was postponed for a few days. On the question of postponement Mr. Dixon, who had first moved the proposed repeal of the principle of prohibition, made a remark which his position as a slaveholding Whig rendered very significant. After saying that he was perfectly satisfied with the amendment reported by Mr. Douglas, be-

cause it virtually repealed the Missouri compromise act, he made this unequivocal declaration: "Upon the question of slavery I know no Whiggery and I know no Democracy. I am a proslavery man. I am from a slaveholding constituency, and I am here to maintain the rights of that people." This declaration clearly revealed the *animus* of the slaveholders and the purposes of the Southern Whigs. Mr. Douglas hastened to express his gratification at the declaration of the Senator from Kentucky, that his bill, as it then stood, accomplished all that was intended to be accomplished by Mr. Dixon's amendment. He made the statement, so often repeated during the protracted struggle then beginning, that "the object of the committee was neither to legislate slavery in or out of the Territories; neither to introduce nor to exclude it; but to remove whatever obstacles Congress had put there, and to apply the doctrine of Congressional non-intervention, in accordance with the principles of the compromise measures of 1850."

An appeal of the "Independent Democrats in Congress" to the people of the United States — signed by Salmon P. Chase and Charles Sumner, Senators, and by Joshua R. Giddings and Edward Wade of Ohio, Gerrit Smith of New York, and Alexander De Witt of Massachusetts, members of the House — was issued. In that appeal its signers "arraign the bill as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to convert a vast territory, consecrated to freedom, into a dreary region of despotism, inhabited by masters and slaves." The proposed action was declared to be against the settled policy of the nation, as clearly indicated in Mr. Jefferson's proviso of 1784, the ordinance of 1787, the compromise of 1820, and even by the manifest purpose of the measures of 1850. The people were warned that the dearest interests of freedom were in imminent peril, and entreated not to become agents in extending legalized oppression and systematized injustice over so vast a territory. Christians and Christian ministers were implored, by the precepts of their divine religion, which required them to behold "in every man a brother," to enter their pro-

test against the repeal of "ancient law and the violation of solemn compact." The appeal closed with the solemn avowal that "for ourselves we shall resist it by speech and vote and all the ability that God has given. Even if overcome in the impending struggle, we shall not submit. We shall go home to our constituents, erect anew the standard of freedom, and call upon the people to come to the rescue of the country from the domination of slavery. We will not despair, for the cause of human freedom is the cause of God."

On the 30th, the Senate proceeded to the consideration of the bill, and Mr. Douglas spoke in explanation of its provisions, and commented with great bitterness and severity upon the appeal and upon the members who signed it. He characterized the latter as "Abolition confederates," and declared that the former grossly misrepresented the bill, falsified the action and calumniated the character of the committee. Mr. Chase followed in explanation and in defence of the sentiments put forth in the appeal, of which he was the author. Mr. Wade, who had signed it after it was issued, indorsed every word of it, as he believed it to be perfectly true and correct. Mr. Sumner said that the document had been put forth in the discharge of a high duty, on the precipitate introduction of a measure which could not be regarded without sensations too strong for speech.

On the 3d of February, Mr. Chase moved to strike out so much of the bill as declared that "the Missouri compromise was suspended by the principles of the legislation of 1850, commonly called the compromise measures," upon which he addressed the Senate in a very elaborate and exhaustive speech. He sounded the key-note of the opposition, and sketched with great force and point the line of argument afterward presented by the friends of freedom. He made it apparent that the idea of the compromise measures of 1850 being superseded by the compromise measure of 1820 was but an afterthought, forced upon Mr. Douglas by the exigencies of his position.

On the 6th, Mr. Wade spoke in opposition to the bill, maintaining that the introduction of slavery into a Territory was tantamount to the exclusion of free labor. He avowed that



the compromise of 1820 was of the nature and binding obligation of a contract, and that the violation of the plighted faith of the nation would precipitate a conflict between liberty and slavery ; and that, in such a conflict, " it will not be liberty that will die in the nineteenth century." " You may call me," he said, " an Abolitionist, if you will. I care little for that ; for, if an undying hatred to slavery constitutes an Abolitionist, I am that Abolitionist. If man's determination, at all times and at all hazards, to the last extremity, to resist the extension of slavery, or any other tyranny, constitutes an Abolitionist, I, before God, believe myself to be that Abolitionist." James C. Jones, a Whig Senator from Tennessee, followed Mr. Wade in a desultory, rambling, and illogical speech, chiefly remarkable for the admission that he did not pretend that the compromise measures of 1850 repealed the compromise measures of 1820, because he did not think it was " maintainable."

On the 8th, Edward Everett of Massachusetts addressed the Senate at length in opposition to the bill. His ripe scholarship and polished oratory, his recognized conservatism, and his support of the compromise measures of 1850, invested his speech with peculiar interest. At the outset, he dwelt upon the grandeur of the first step in laying the foundations of two States, destined to be the centres of vast and imperial influence. He opposed the measure because it conflicted with the Missouri compromise. He denied, with great positiveness and particularity of detail, the assumption of its supporters that the compromise measures of 1850 superseded or repealed that act. Affirming that he had read the voluminous reports, filling the greater part of two or three thick quarto volumes, he said : " I do not find a single word from which it appears that any member of either the Senate or House of Representatives at that time believed that the Territorial enactment of 1850, either as a principle, rule, or precedent, or by analogy, or in any other way, was to act retrospectively or prospectively upon any other Territory. On the contrary, I find much, very much, of a broad, distinct, directly opposite bearing." He also quoted Mr. Webster as affirming that his speech and vote

referred to "Utah and New Mexico, and to them alone." He closed by declaring that, while he shared the sentiments of the part of the country where he was born and educated and where his ashes would be laid, he would treat the "constitutional and legal rights" of his fellow-citizens of other parts of the country "with respect, and their characters and feelings with tenderness"; for he believed them to be "as good Christians, as good patriots, as good men, as we are." He thought sectional and passionate agitation would retard, rather than promote, the removal of slavery. He further expressed the belief that the children of Africa would go back to the land of their fathers, "voluntary missionaries of civilization and Christianity."

Truman Smith of Connecticut followed Mr. Everett in a very elaborate speech, running through two days. He expressed the opinion that, if the measure was carried, it would be carried by the votes of Southern Whigs, would blow the Whig party to atoms, and make another Whig national convention impossible. Mr. Houston followed in opposition to the passage of the bill, because, he contended, it violated the rights of the Indians then in possession of the territory. Mr. Chase's amendment was then rejected.

The gist of the bill for the organization of Kansas and Nebraska lay in this amendment of Mr. Douglas abrogating the compromise of 1820. Mr. Douglas himself professed the most profound indifference whether slavery was "voted up or voted down," his main anxiety being, he contended, to vindicate the doctrine of popular sovereignty. As a test of the sincerity of the advocates of the new policy, Mr. Chase moved to empower the Territorial legislature to prohibit slavery, to let the people of the country, he said, see whether those who assert "the principles of non-intervention are willing that the people of the Territories may, if they see fit, exclude slavery." But the amendment was rejected, and the utter hollowness of the pretension that "the people were to be left perfectly free to vote slavery up or vote it down" was fully exposed.

Mr. Badger of North Carolina addressed the Senate at length in favor of the repeal of the Missouri compromise,



although he repudiated the new doctrine that it was unconstitutional. He made a point of the alleged humanity of those who preferred to take their slaves into new territory, instead of selling them, and he descanted on the wickedness of not allowing them to do it. "Why," he asked, "if some Southern gentleman wishes to take the nurse who takes charge of his little baby, or the old woman who nursed him in childhood, and whom he called 'Mammy' until he returned from college, and perhaps afterward too, and whom he wishes to take with him in his old age when he is moving into one of these new Territories for the betterment of the fortunes of the whole family, why, in the name of God, should anybody prevent it?" To this question Mr. Wade pertinently replied: "The Senator entirely mistakes our position. We have not the least objection and would oppose no obstacle to the Senator's migrating to Kansas and taking his old 'Mammy' along with him. We only insist that he shall not be empowered to *sell* her after taking her there." Mr. Badger closed his speech by announcing that the Southern Whig Senators "all agree as one man in support of this measure."

Mr. Seward entered his eloquent plea "for freedom and public faith." To the alleged inconsistency of opposing repeal on the part of Northern men who had opposed compromises, he replied that "a life of approval of compromises and of devotion to them only enhances the obligations to fulfil them; a life of disapprobation of the policy of compromises only renders one more earnest in exacting the fulfilment of them when good and cherished interests are secured by them." He reminded Southern Senators that they buried the Wilmot proviso in 1850, and celebrated its obsequies with pomp and revelry; that it was again stalking through those halls; and that, if the representatives of the North would let it rest, they would evoke it from its grave. "Say what you will," he said, "do what you will here, the interests of the non-slaveholding and of the slaveholding States remain just the same; and they will remain just the same until you shall cease to defend and cherish slavery, or we shall cease to honor and defend freedom. The slavery agitation is an eternal



struggle between conservatism and progress, between truth and error, between right and wrong. You may sooner by act of Congress compel the sea to repress its upheavings and the round earth to extinguish its eternal fires, than oblige the human mind to cease its inquiries and the human heart to desist from its throbbings."

Reminding Southern members of the vast immigration to Northern States of freemen, — "such freemen as neither England nor Rome nor Athens ever reared," — that half a million of freemen were annually coming from Europe, and that twenty years hence there would be a million of freemen from Asia, he warned them that the tides of freemen and slaves would not voluntarily commingle. But if by their policy they did meet, he said, it was easy to foresee which of them would overcome the resistance of the other. He thus closed his speech, so philosophical in its examination and statement of principles, so eloquent in thought and expression: "'Man proposes and God disposes.' You may legislate and abrogate as you will; but there is a superior Power that overrules all your actions and all your refusals to act, and I fondly hope and trust overrules them to the advancement of the greatness and glory of our country, — that overrules, I know, not only all your actions and all refusals to act, but all human events to the distant but inevitable result of the equal and universal liberty of all men."

On the 24th of February, Mr. Sumner addressed the Senate against the proposed removal of the "landmarks of freedom." He arraigned it on two distinct grounds, — in the name of public faith, as an infraction of solemn obligations, assumed beyond the power of recall by the South; and in the name of freedom, as an unjustifiable departure from the antislavery policy of the fathers. He maintained that it was clear beyond dispute that, by the overthrow of the Missouri prohibition, "slavery will be quickened and slaves themselves will be multiplied, while new room and verge will be secured for the gloomy operations of slave law, under which free labor will droop and a vast territory will be smitten with sterility. . . . Under the slave system the whole social fabric is disorgan-

ized, labor loses its dignity, industry sickens, education finds no schools, and all the land of slavery is impoverished." He said that for all who bear the name of slave there was nothing they could call their own; that, "without a father, without a mother, almost without a God, the slave has nothing but a master." He reminded Senators that the passage of the bill would not, as they vainly declared, settle the slavery question; that "nothing can be settled which is not right," nothing can be settled which is adverse to freedom; that God, nature, and all the holy sentiments of the heart, repudiate all such false, seeming settlement. He declared that he looked forward to the good time when the North and the South should unite in declaring freedom, and not slavery, national, while slavery, and not freedom, should be sectional.

William Pitt Fessenden, a new Whig Senator from Maine, spoke with great clearness and force against repeal. He warned Southern Senators that if, for political purposes and with a political design, the Missouri restriction should be repealed, the people of the North would resist the admission of those Territories as States, except with the exclusion of slavery. The people of the North, he said, were fatigued with these threats of disunion. Being "noise, and nothing else," they produced little impression. To Mr. Butler, interjecting the remark that if such sentiments prevailed he wanted dissolution "right away," he retorted: "Do not delay it on my account."

Mr. Cass, during the debate, elaborated and vindicated the doctrine, embodied in his famous "Nicholson letter," that Congress had no authority over slavery in the Territories, and that the people should adjust it on their own responsibility and in their own manner. Mr. Toombs of Georgia also vindicated the doctrine of popular sovereignty, declaring that "it would outlive the follies and prejudices of its enemies, survive their puny assaults, and pass on and mingle itself with the thought and speech of freemen in all lands and in all countries." Mr. Dodge of Iowa, who had introduced the bill for the organization of the Territories, supported the repeal of the Missouri prohibition, and charged that antislavery had checked

and stayed a progressive improvement in the condition of the negro, and had rendered the name of emancipationist odious in the slave States.

It happened then, as often before and afterward, that the most arrogant, revolting, and reckless words were spoken by Northern members; among the most prominent of these was John Pettit of Indiana, who gave utterance to the most extreme views.

Mr. Norris of New Hampshire advocated the repeal because the Missouri compromise was inconsistent with the "great and popular principle established in the acts organizing New Mexico and Utah," and because by such repeal would be reasserted the "original and true principle" of the government, which, if adhered to, would remove from the halls of Congress "the exciting agitation about slavery." He avowed his willingness to give assistance, at the command of an officer, in the execution of the Fugitive Slave Act, and sharply criticised a speech of Mr. Sumner, made in Faneuil Hall, against that act.

Mr. Clayton of Delaware reminded the Senate that the repeal of the Missouri compromise, whatever its character and whatever of wrong was involved therein, was sprung upon the South; that it was not a Southern, but a Northern proposition; that it was supported by sixteen Northern Senators against twelve, by a Northern President, and by a Cabinet having a Northern majority. He thought that Southern Senators whose constituents held slaves could not refuse to accept what was thus pressed upon them by the North.

Mr. Brown of Mississippi affirmed that "slavery is of Divine origin; is a great moral, social, and political blessing, — a blessing to the slave and a blessing to the master." Butler of South Carolina vindicated the slave system, because the black man was not equal to the white man; because, as he expressed it, "the African race never soared into the regions where the Caucasian race made its greatest developments, — never furnished astronomer, statesman, general, or poet."

On the 2d of March an amendment was adopted, on motion of Mr. Badger, providing that nothing contained in the bill should be construed to revive or put in force any law that



may have existed prior to March 6, 1820, either protecting, establishing, prohibiting, or abolishing slavery. Mr. Chase then moved to so amend the bill as to authorize the people of the Territories to elect their own officers. But this amendment was rejected by a majority of twenty. Another amendment having been offered by Mr. Chase, Mr. Mason called upon the friends of the bill without any delay to vote his amendment down, because the Senator from Ohio and his friends "find," he said, "that if the bill passes their vocation will be gone, the last plank in the shipwreck of their political fortunes will be taken from them, and they will expire, as they deserve to expire, howling, — howling like fiends attempting to destroy the country."

On the 3d, Mr. Dawson, a Whig Senator from Georgia, denounced what he was pleased to call "the spirit of fanaticism and the mistaken notions of philanthropy of those who would throw a cordon of free States around the South, to drive the people into emancipation."

The insulting suggestion of Mr. Mason, basing his opposition to an amendment, and urging other Senators to base theirs, upon grounds so purely personal, received, as it merited, indignant rebuke. "I treat with contempt," said Mr. Wade, "any language of dictation, come from what quarter it may. No Senator has a right to rise in his place and utter the language that the Senator from Virginia has used to my colleague. It is not becoming the Senator from Virginia, nor in accordance with the rules of order, nor is it consistent with senatorial dignity or gentlemanly courtesy. Because my colleague has offered an amendment, the Senator from Virginia rises in his place, impugns his motives, and calls on the Senate to vote down his amendment and trample it under foot. Such dictation may be applicable to a plantation; but it is not becoming in the Senate of the United States."

Mr. Houston, though Southern in sentiment and interest, adjured Senators "to regard the contract once made to harmonize and preserve this Union." "Maintain," he exclaimed, "the Missouri compromise! Stir not up agitation! Give us peace!" He closed his earnest and patriotic appeal with the

prediction that "union or disunion depended upon the decision of this question."

The debate was then closed by Mr. Douglas. He reviewed at great length the arguments which had been urged in opposition to his bill. His speech was able, adroit, defiant, and denunciatory. He predicted that, when the measure was fully understood, it would be as popular at the North as at the South; and he congratulated its friends that the arguments in its favor could be used with the same propriety in the North and the South, while the arguments of its enemies "would not bear repetition one mile across Mason and Dixon's line." The vote was then taken at five o'clock in the morning, after a continuous session of seventeen hours, and the bill passed by a vote of thirty-seven to fourteen. Houston of Texas, Hamlin of Maine, James of Rhode Island, Dodge and Walker of Wisconsin, Democrats, and Bell, a Southern Whig, voted in the negative.

Perhaps no measure before Congress ever excited more thoroughly the moral and religious sentiments of the nation. The clergy took an unusual interest. Memorials and protests, numerous signed, were sent to Congress. A memorial was presented by Mr. Everett, signed by more than three thousand clergymen of various religious denominations in New England. Memorials numerous signed by clergymen in the Middle and Western States were also presented. The memorial of the New England clergymen was made the occasion of a savage onslaught, that revealed very clearly the spirit of the men who were engineering that measure, and the utter godlessness of the whole project. Mr. Douglas led the assault. "It is presented," he said, "by a denomination of men calling themselves preachers of the gospel, who have come forward with an atrocious falsehood and an atrocious calumny against the Senate, desecrated the pulpit, and prostituted the sacred desk to the miserable and corrupting influence of party politics." I doubt," he said again, "whether there is a body of men in America who combine so much profound ignorance on the question upon which they attempt to enlighten the Senate as this same body of preachers."

Mr. Mason said : " Of all others they are the most encroaching and, as a body, arrogant class of men." Mr. Butler declared that " when the clergy quit the province assigned them, . . . going about as agitators . . . they divest themselves of all the respect that I can give them." And Mr. Adams averred that " when they depart from their high vocation, and come down to mingle in the turbid pool of politics," he would treat them just as he would other citizens. " I hold," said Mr. Pettit, " that the waters of the pools of politics are infinitely more pellucid and pure and cheering and refreshing than the pool which surrounds their stagnant waters of theology." Mr. Badger " would say, in regard to each of them, what Sir Walter Scott, in one of his novels, makes Cromwell say to the Rev. Mr. Oldenough : ' Lack-a-day ! lack-a-day ! A learned man, but intemperate ; overzeal hath eaten him up.' "

On the 31st of January, Mr. Richardson of Illinois, chairman of the House Committee on Territories, reported a bill for the organization of the Territory of Kansas and Nebraska. After a brief debate the original bill, and two amendments proposed by Mr. English of Indiana, were referred to the committee of the whole. The substitute of Mr. English, instead of the provision repealing the Missouri compromise, proposed a clause leaving it to the people to pass such laws in relation to slavery, if not inconsistent with the Constitution, as they might deem most conducive to their interests, happiness, and welfare.

On the 15th of February, Mr. Meacham of Vermont addressed the House. " I look," he said, " on that compromise as a contract, as a thing done for a consideration, and that the parties to that contract are bound in honor to execute it in good faith. The consideration on the one side was paid and received in advance. That compromise has stood for thirty-four years. The people, struck dumb by the reckless audacity and perfidy of the proposition, would not believe it had been made, and took refuge in incredulity." He predicted, if that compromise was repealed, that the last compromise had been made between the clashing interests of different sections.

Alexander H. Stephens of Georgia replied in a speech intensely vituperative and extreme. He denied that the Missouri



compromise was a "compact," because, he said, there were no parties to it, it "being nothing but a law, with no other sanction than any statute." He scouted the idea that there would be any disastrous consequences from its repeal, saying, with contemptuous spite, that the friends of slavery prohibition had been "a wooling," had come back fleeced, and that such men might "rail and rave and rage." Their threats, he continued, are but the "ravings and howlings and hissings of the beaten and routed ranks of the factionists and malcontents. They are the wailings of the politically condemned, coming up from the bottom of that deep pit where they have been hurled by a patriotic people, for the good, the peace, quiet, and harmony of the whole country. They fought the compromise, he said, as long as there was anything to be made by fighting it. When whipped, routed, and beaten, then, "like craven and mercenary captives, they turn to power to see if anything could be made there by subserviency and sycophancy." The disease of negromania, he contended, could never be cured; the viper would hiss, and even sting the bosom of him who fosters it. Mr. Keitt of South Carolina pronounced the ordinance of 1787 an act of "unconstitutional usurpation," "an ungrateful and graceless act." "It was passed," he said, with strange confusion of metaphors, if not of ideas, "while the old articles of confederation, effete and palsied, were dissolving into wreck and floating away into fragments, which had decayed into imbecility and had only strength enough to invite the agonies of death."

Mr. Breckinridge said that the South would never submit to exclusion from the Territories. Admitting that the immediate effect of the passage of the bill would "furnish food for abolition excitement," he predicted that in two years no man would be found in the West who would dare go before the people in opposition to the principle embodied in it. Clingman of North Carolina presented the Southern view from the Whig standpoint. He declared that the great obstruction to the passage of the bill was the fact, well understood, that every Whig representative from the North was an opponent, and was "appealing to Southern Whigs not to press the question upon

them, lest they should thereby break up the Whig party." He charged Northern Whigs with affiliating with Free-Soilers and Abolitionists, and reminded them that they were engaged in a losing game; for, in spite of all their "appeals to fanaticism," the antislavery sentiment and the idea of negro equality were losing ground.

Able responses were made by several Northern Whigs. Among them was Richard Yates of Illinois, afterward governor and United States Senator. "If you pass this bill," he said, "your friends in the North, who have considered the Abolitionists the aggressors and have vindicated your cause, will consider you the aggressors. They will laugh at your flimsy apology that you take the forbidden fruit because it is offered you by a Northern hand. They will consider it a vandal march on territory which, by your own hands, by universal consent and long acquiescence, by patriot sons, by solemn contract and plighted faith, has been consecrated to freedom."

Elihu B. Washburne, from the same State, declared that if Northern rights were to be thus sacrificed, he might be counted on as an "agitator," for "that term had no terrors for him." "The May Flower," he said, "was freighted with agitators, in whom were a nation's hopes and the germs of a nation's greatness. Our Revolutionary fathers were agitators. Agitators threw the tea overboard in Boston and spilled their blood at Concord and Lexington. The questions involved in this bill have taken a deep hold of the public mind, and there is no power on earth that can control its workings. You might as well ask the sea to stand still as to ask the North to submit in silence to the repeal of the Missouri compromise."

Israel Washburn of Maine told his Southern brethren that if they were determined "to make a sectional issue, breaking good faith" and "the ties of fraternal association," then all that remained for Northern Whigs was "to bid them a long good-night." He averred, with too much confidence, that the North would resist until such aggression was stayed. "To doubt it," he said, "were to admit that there is no North and no hopes of a North. It were to admit a degeneracy in the people more swift, more thorough and mournful, than has ever

marked any other people since the birth of time. To doubt it were to admit that slavery has the indwelling central power of immortal truth; that liberty is but a name, and the love of it a fantasy. But we will not doubt it. We know that in all human affairs there are seasons of action and of reaction, of victory and defeat. But we also know that in the end nothing shall prevail against truth, and no verity is more grand, more immutable, than this: 'There is nothing on earth divine besides humanity.' Nor were there wanting others who took the subject to the forum of conscience and applied to it the tests of moral as well as of political responsibility, the teachings of the revealed law of the Creator as well as of the observed laws of his creation.

Among them was Gerrit Smith, who commenced by saying that the slavery question was up again, even in Congress; that it would not keep down at any bidding, however authoritative. The President, he said, had made its keeping down the great end of his office. Members of Congress, political conventions, and "titled divines, taking their cue from commerce and politics, and being no less servile than merchants and demagogues," had done what they could to keep it out of sight. Referring to the madness in man to attempt to hold in check the forces of the moral world, he said: "The power which is ever and anon throwing up the slavery question into our unwilling and affrighted faces is truth. Passion, blinded and infatuated, may not discern this mighty agent. Nevertheless, Truth lives and reigns forever, and she will be continually tossing up unsettled questions. We must bear in mind, too, that every question which has not been disposed of in conformity with her requirements, and which has not been laid to repose on her own blessed bosom, is an unsettled question. Hence, slavery is an unsettled question, and must continue such until it shall have fled forever from the presence of liberty. It must be an entirely unsettled question, because not only is it not in harmony with truth, but there is not one particle of truth in it. Slavery is the baldest and biggest lie on earth. In reducing man to a chattel, it denies that man is man; and in denying that man is man it denies that God is



God. For in his own image made he man, — the black man and the red man, as well as the white man.” Asserting that there was no law for American slavery, and that there could be no law for any other slavery, he predicted that the time would come when the nation, then wellnigh dead to any attempt to bring her to repentance, would listen to “the voices of truthful, tender, and faithful admonition”; that the day of her redemption, “of her broken-hearted sorrow for her crimes,” would sooner or later come.

Of a very different character was a speech, though on the same side of the question at issue, from Mr. Benton, then a member of the House. More than his peer, perhaps, in talents and knowledge, in political standing and influence, and equally opposed to the measure under discussion, the spirit of the speakers and purport of the two speeches were strangely unlike. While the one was absorbed in a benevolent regard for others, the other seemed on fire with an all-consuming egotism; while the one seemed solicitous to do good to all, the other appeared mainly anxious to crush his enemies; while the words of the one seemed to be wafted on the refreshing breezes from the scenes of celestial love, the other’s were borne on the sirocco breath of a haughty dogmatism and an intense political hatred. Alluding to the Douglas amendment, which Mr. Chase had characterized as an “afterthought,” he called it “a little stump speech injected into the belly of the bill, and which must have a prodigious effect when recited in the prairies, and out toward the frontier, and up toward the heads of the creeks.” He declared Territorial sovereignty to be a “monstrosity,” “born of timidity and ambition, hatched into existence in the hot incubation of a presidential canvass,” “as nonsense, as the essence of nonsense, as the quintessence of nonsense, as the five times distilled essence of political nonsensicality.” “Three dogmas,” he said, “now afflict the land: squatter sovereignty, non-intervention, and no power in Congress to legislate upon slavery in the Territories. This bill asserts the whole three, and beautifully illustrates the whole three, by knocking one on the head with the other, and trampling each under foot in its turn. It is a bill of assump-

tions and contradictions, assuming what is unfounded and contradicting what it assumes,—a balancing every affirmation by a negation. It is a see-saw bill; not the innocent see-saw which children play on a plank stuck through a fence, but the up-and-down game of politicians, played at the expense of the peace and harmony of the Union. . . . It is an amphibological bill, stuffed with monstrosities, hobbled with contradictions, and badgered with a proviso.” He declared that the troubles of the country came from “uneasy politicians,” and its safety from the “tranquil masses.” He charged that this bill, designed to destroy forever the Missouri compromise, was not called for by any “human being living or expecting to live on the Territories, but by a silent, secret, limping, halting, creeping, squinting, impish motion, conceived in the dark and midwived in a committee-room.”

Among those who opposed the bill was Nathaniel P. Banks, a Democratic member from Massachusetts. He spoke in behalf of free labor, with which he contended that slave labor was “incompatible,” and that voting to extend slavery was legislating “for the benefit of capital against men.” He spoke eloquently for the three thousand clergymen of New England who had memorialized Congress and who had been so harshly assailed. “They are not,” he said, “anarchists nor revolutionists. They are timid, conservative, inquiring, dependent men. They have no life-tenures, they accumulate no fortunes. They consolidate no powers, they organize no forces. Isolated and dependent, they have parted with no rights and have no selfish ends. The sincerity of their protestation is beyond question, as the earnestness of their appeal should be beyond censure.” John Z. Goodrich of the same State predicted that the repeal of the Missouri compromise would wipe out as with a sponge all compromises. Mr. Campbell of Ohio declared that if the bill passed he would wage “an unrelenting and ceaseless war against slavery to the furthestmost limits of the Constitution.”

The “subterranean” Democracy of the city of New York found a fitting exponent in its member, Michael Walsh. In a speech of the most extreme and humiliating utterances, he



disparaged the free laborer of the North and declared that the only difference between a negro slave and a wages slave was that "the one is a slave of an individual, the other is the slave of an inexorable class."

The general debate having closed on the 20th of May, and every amendment militating against the principle of the bill having been voted down, it was understood that the friends of the measure would force it to a vote on the 22d. Its opponents, deeply impressed with its fearful character and apprehended results, felt called upon to use all legitimate means to delay and, if possible, to defeat its passage. In a body, with parties so nearly balanced and with many veteran tacticians in it, to successfully engineer the measure through the House was no trifling matter. Alexander H. Stephens was selected for that purpose; and it was admitted, alike by friend and foe, that the management of that severe parliamentary conflict was a most adroit and skilful exhibition of legislative strategy. He first moved to strike out the enacting clause of the bill. That motion was sustained by a nearly unanimous vote. But the House refused, by twenty majority, to concur in the vote of the committee of the whole. A substitute was then moved by Mr. Richardson, which was adopted by a majority of nineteen, and the bill was then passed by a majority of thirteen, and the only hope of defeating the measure, by the action of the House, was irretrievably destroyed.

The House bill went to the Senate as an original measure, and was taken up for consideration on the 24th of May. Mr. Pearce of Maryland moved to strike out the provision allowing aliens to vote. Mr. Bell addressed the Senate at great length in explanation and defence of the vote he felt constrained to give, and against the unauthorized announcement which had been made that "the Southern Whigs are a unit in support of the measure." From his speech it appeared that there had been a caucus of Southern Whigs to remonstrate with the "National Intelligencer" for its opposition to the measure, and to secure the announcement that they were "a unit for the measure." His speech, more important for the insight it afforded of Southern tactics than for its professed object, be-



gan with an acknowledgment that his first impression was that he should be forced to go for the bill, whether he approved it or not, because, he confessed, he could not see how he could separate from his "Southern Whig friends and the Southern delegation in Congress," and because he had been "told over and over again that he would be politically dead, and that his standing as a public man would be utterly destroyed, if he should vote against that bill; though, really," he added, "Mr. Toombs is the only Senator from the South with whom I ever conversed who thought this was a good thing in itself." On the other hand, one of his colleagues had declared that he "would regard the repeal of the Missouri compromise as a violation of his honor as a Southern man, and that he would lose his right arm before he would sustain it by his vote." Another, equally strong in his convictions, had expressed his apprehensions of "the dangerous and unhappy results of the measure." Besides, there had been no "organ, Whig or Democratic, in Tennessee, which had uttered a syllable of complaint against the Missouri restriction act, or even suggested the idea that it was proper or desirable to repeal it." Yet, though personally favorable to the measure, he must refuse to vote for it for the sake of retaining the Northern wing of the Whig party, the "sound National Whigs" of "conservative spirit," like the five hundred of the most respectable citizens of Boston, who had "enrolled themselves as special constables to secure the execution of the Fugitive Slave Act," but who were "becoming alarmed at the consequences which threatened to follow the adoption of this measure." But he was the only Southern Whig who withheld his vote from this iniquitous measure. Every other member succumbed to the pressure, thus acknowledging that with him fealty to slavery was paramount to the claims of party, and revealing, too, the only condition on which a national organization could exist. But all "conservative" clauses and efforts were unavailing, and from that hour the Whig party did disappear from the arena of national politics.

The caucus of Southern Whigs to decide upon the policy to be pursued excited the Northern members and called forth no

small amount of indignant protests. Mr. Wade spoke of this treachery of Southern Whigs, who thus, in "secret conclave," "without consultation with their Northern brethren," on "the greatest question that ever challenged the investigation of the American Senate," gave in their adhesion to the measure. Saying that "the humiliation of the North is complete and overwhelming," that "no Southern enemy can wish her deeper degradation," he said his appeal should be to the people. The Southern wing of the old Whig party has "joined its fortunes," he said, "with what is called the national Democracy, and I wish you joy in your new connection." The Northern wing, released from all Southern incumbrance, will become more "popular at home," and, "running without weights" against the slave Democracy of the North, must succeed.

Mr. Benjamin, in a speech distinguished alike for specious subtleties, polished diction, and graceful rhetoric, "merely desired to explain the apparent inconsistency" of his votes. "The amendment," he said, "commends itself to my deliberate judgment. I voted for it before. I shall vote against it now." He vindicated his vote by asserting his willingness to sacrifice the amendment, though it met his approval, "for the purpose of maintaining the great principles" of the bill, — its popular sovereignty and its "obliteration of a geographical line."

Mr. Seward spoke with his usual force and hopefulness, though not unmingled with sorrow and humiliation at the immediate prospect. "The sun has set," he said, "for the last time, upon the guaranteed and certain liberties of all the unsettled and unorganized portions of the American continent that lie within the jurisdiction of the United States. To-morrow's sun will rise in dim eclipse over them. The Senate floor is an old battle-ground, on which have been fought many contests, and always, at least since 1820, with fortunes adverse to the cause of equal and universal freedom." Addressing, however, the supporters of the bill, he remarked: "I only say that there may be an extent of intervention, of aggression, on your side, which may induce the North, at some time, either in this or

in some future generation, to adopt your tactics and follow your example. Remember now that this law will be a repealable statute, exposed to all the chances of the Missouri compromise. . . . You are, moreover, setting an example which abrogates all compromises. . . . It has been no proposition of mine to abrogate them now ; but the proposition has come from another quarter, from an adverse one. It is about to prevail. The shifting sands of compromise are passing from under my feet, and they are now, without agency of my own, taking hold again on the rock of the Constitution. It shall be no fault of mine if they do not remain firm. This seems to me auspicious of better days and wiser legislation. Through all the darkness and gloom of the present hour bright stars are breaking, that inspire me with hope and excite me to perseverance."

Mr. Cass followed in a speech consisting mainly of a sarcastic rejoinder to Mr. Benton's speech in the House and a defence of his peculiar dogma of "squatter sovereignty." Mr. Mason accepted the bill, notwithstanding he did not approve of some features, because of its great principle that "the general government has no power to legislate on the subject of slavery," and because "this bill, if it pass, is the death-blow of abolition."

The remarks of Mr. Bayard were chiefly noticeable for the admission that the great danger to this country, and the question which lay at the bottom of all abolition excitement, was the naked question: "Is slavery a moral crime? Is it a sin against the laws of God and of Nature, and of the mandates of Christianity?" This was, he said, the great question. "The opinion that slavery is a moral crime, that doctrine, indefensible and untenable, must be refuted before the American people." Mr. Bayard was not only an eminent lawyer, but an astute politician. He saw that, whatever might be the temporary triumph of slavery, it was still insecure so long as the conscience and religious convictions of the country were unconvinced that it was not "a moral crime." The task he summoned its champions to perform was herculean; and, though often attempted by the talent and learning of the land, clerical



and lay, it as often signally failed, for the plain reason that it could not be done.

Mr. Chase again addressed the Senate, reiterating some of his former observations, and urging anew his reasons for opposing the measure. Though overborne for the moment, he spoke hopefully of the future. "All that now remains for me," he said, "is to enter against it, as I now do, my earnest and solemn protest, and to join with my colleague in recording against it the vote of Ohio."

Near the closing hour, Mr. Sumner offered several memorials against the measure; among them "one hundred and twenty-five separate remonstrances from clergymen of the six New England States." Though disclaiming anything like "a defence," he took occasion to vindicate very earnestly the character of the clergy, and their right to be heard at the bar of Congress as remonstrants against this great wrong. Thanking them for their generous interposition, he reminded the Senate that in the days of the Revolution John Adams, yearning for independence, said, "Let the pulpits thunder against oppression." And the pulpits did thunder. The time has come for them to thunder again. Styling "the bill . . . at once the worst and best bill on which Congress ever acted,—the worst, inasmuch as it is a present victory of slavery; the best bill, for it prepares the way for that 'All hail hereafter,' when slavery must disappear,"—he said: "Sorrowfully I bend before the wrong you are about to perpetrate. Joyfully I welcome all the promises of the future." The amendment was rejected, and the bill was passed by a vote of thirty-five to thirteen.

Thus, after an excited and protracted debate of four months, in which the country was stirred to its profoundest depths, the plighted faith of the nation was broken and the landmarks of freedom were removed. A region of virgin soil, of fertility and beauty, consecrated by the solemn compact of the government to freedom and free institutions, was opened wide to dominating masters and cowering slaves. That faithless act was consummated by the servility of Northern men, who, seeing that the Slave Power was supreme, were led to believe that its

ascendency would outlast their day ; and with that assurance they seemed content to bow to its behests and do its bidding. Simply selfish, ambitious, and anxious to win, they were ready to disregard the rights of man, the enduring interests of the country, and the sacred claims of the Christian religion.

## CHAPTER XXXI.

### ORIGIN OF THE REPUBLICAN PARTY.

General agitation and alarm. — Pulpit and Press. — “Independent,” “Evening Post,” and “Tribune.” — Political action demanded. — New Hampshire. — Wisconsin. — A. E. Bovey. — Name recommended. — Meeting in Washington. — Dr. Bailey. — Vermont. — Michigan. — Joseph Warren. — Ohio. — Indiana. — Action of New York Whigs. — Massachusetts. — Meeting in Faneuil Hall. — Party formed. — Large success in the nation. — Resolution of the House. — Party formed in Ohio. — In Pennsylvania. — In New York. — Reaction.

THE determined purpose of the Slave Power to make slavery the predominating national interest was never more clearly revealed than by the proposed repeal of the Missouri compromise. This was a deliberate and direct assault upon freedom. Many, indeed, under the pleas of fraternity and loyalty to the Union, palliated and apologized for this breach of faith; but the numbers were increasing every hour, as the struggle progressed, who could no longer be deceived by these hollow pretences. They could not close their eyes to the dangers of the country, and they were compelled to disavow what was so manifestly wrong, and to disconnect themselves from men and parties who were making so little concealment of their nefarious purposes and of their utter profligacy of principle.

Pulpits and presses which had been dumb, or had spoken evasively and with slight fealty to truth, gave forth no uncertain sound. Calm argumentation, appeals to conscience, warnings, and dissuasions from the impending crime against liberty, were to be heard on every side. To the utterances of the sacred desk were added the action of ecclesiastical bodies, contributions to the press, and petitions to State legislatures and to Congress. The antislavery and Free Soil journals entered earnestly upon the work of indoctrinating and im-



pressing the popular mind and heart. In arousing the people, they strove to convince them that so long as a national party had a Southern wing it could never be trusted on any point in which the interests of slavery were involved, and concerning which the wishes of slaveholders had been clearly pronounced. The religious press, too, joined in the general protest, and substituted a more earnest tone for the too languid and equivocal utterances hitherto deemed all that prudence or policy would allow. Foremost was the New York "Independent." Conducted with signal ability, it did much to disseminate right views, change the current of public sentiment, and place Christian men — where they should always have been — in active sympathy with those who were doing battle against the giant wrong of the nation.

The political press of the North still clung, very generally at least, to the parties of which its respective journals were the recognized organs; but there were some exceptions. The New York "Evening Post" had been an able advocate of the Free Soil cause of 1848, but had joined in the "Barnburner" defection and rendered important aid in the election of Franklin Pierce. But the Kansas-Nebraska act was more than it could accept, much less advocate. It therefore joined in the general protest against the measure, and became a very effective agent in the development of that popular sentiment which rendered the Republican party a possibility. The New York "Tribune" took the lead, though at the outset Mr. Greeley was hopeless, and seemed disinclined to enter upon the contest. So often defeated by Northern defection therein, he distrusted Congress; nor had he faith that the people would reverse the verdict of their representatives. He told his associates he would not restrain them, but, as for himself, he had no heart for the strife. They were more hopeful; and Richard Hildreth, the historian, Charles A. Dana, a veteran journalist, James S. Pike, and other able writers, opened and continued an unrelenting and powerful opposition in its columns, and did very much to rally and reassure the friends of freedom and to nerve them for the fight. Even Mr. Greeley himself became inspired by the growing enthusiasm, and some of the most

trenchant and telling articles were from his practised and powerful pen.

These discussions from pulpit, platform, and press, all pointed to political action as the only adequate remedy. In the Northern States there were Abolitionists, Free-Soilers, anti-slavery Whigs, anti-Nebraska Democrats, and antislavery members of the American party, which had just come into existence. Many of these sought help, and thought they saw how help could be secured, through existing organizations, and they clung with tenacity to them; but, as the conflict progressed, large and increasing numbers saw that no help could be reasonably hoped for but through the formation of a new party that could act without the embarrassment of a Southern wing. But the formation of a national and successful party from materials afforded by the disintegration of hitherto hostile organizations was a work of great delicacy and difficulty. Such a party could not be made;—it must grow out of the elements already existing. It must be born of the nation's necessities and of its longings for relief from the weakness, or wickedness, of existing organizations.

The mode of organizing this new party of freedom varied according to the varying circumstances of different localities and the convictions of different men. In some sections a local election afforded the opportunity and the demand for inaugurating a movement that increasing numbers saw to be both necessary and impending. Such an opportunity and demand were furnished in New Hampshire by the death of Mr. Atherton, member of the United States Senate, which occurred in November, 1853. As his successor was to be chosen by the legislature to be elected in the following March, an active canvass sprang up during the month of February and the early weeks of the month in which the election occurred, in which the leading men of the State and of several of the neighboring States took part. Strenuous efforts were made to combine the Free-Soilers, Whigs, and anti-Nebraska Democrats in some common action; and these efforts were so far successful as to prevent the election of a Democrat, although they failed to elect their candidate. It was, however, the

beginning of a process by the operation of which the majority of the State became Republican in fact and name, and sent John P. Hale to the Senate, in 1855, to fill Mr. Atherton's term, and James Bell for the full term. Mr. Wilson of Massachusetts canvassed the State for several weeks, advocating a fusion, into one organization, of the opponents of the repeal of the Missouri prohibition.

But one of the earliest, if not the earliest, of the movements that contemplated definite action and the formation of a new party, was made in Ripon, Fond du Lac County, Wisconsin, in the early months of 1854. In consequence of a very thorough canvass, conference, and general comparison of views, inaugurated by A. E. Bovey, a prominent member of the Whig party, among the Whigs, Free-Soilers, and Democrats of that township, a call was issued, signed by himself, representing the Whigs, Mr. Bowen, representing the Democrats, and Mr. Baker, representing the Free-Soilers, for a public meeting to consider the grave issues which were assuming an aspect of such alarming importance. The meeting was held on the last of February, in the Congregational church. It was largely attended by persons of both sexes from the town and surrounding country. It was a meeting solely for the discussion of principles and comparison of views. Among the speakers was Professor Daniels, who subsequently, as a resident of Virginia and editor of the Richmond "State Journal," maintained and advocated with distinguished zeal the views and principles then enunciated. The burden and drift of the speeches were the hopeless subserviency of the national parties to the behests of the slaveholders, the necessity of abandoning them, and the proposed policy of constructing a party from the materials thus set at liberty, with such as could be persuaded to leave the Democratic party for a similar purpose. A resolution was adopted that, if the Nebraska bill, then pending, should pass, they would "throw old party organizations to the winds, and organize a new party on the sole issue of the non-extension of slavery."

A second meeting was held on the 20th of March, for the purpose of organization and for the adoption of such prelimi-



nary measures as the inauguration of the new party required. By formal vote the town committees of the Whig and Free Soil parties were dissolved, and a committee of five, consisting of three Whigs, one Free-Soiler, and one Democrat, was chosen. "The work done on that evening," says Mr. Bovey, "was fully accepted by the Whig and Free Soil parties of all this section immediately; and very soon — that is to say, in a few months — by those parties throughout the entire State." A State convention was held in July, by which the organization of the party was perfected for the State, a majority of the delegation was secured for the next Congress, and a Free-Soiler, Charles Durkee, was elected to the Senate of the United States. At the meeting of the 20th of March, Mr. Bovey, though stating his belief that the party should and probably would take the name of "Republican," advised against such a christening at that time and by that small local body of men. He, however, wrote to the editor of the New York "Tribune," suggesting the name, giving his reasons therefor, and requesting him, if his views corresponded with his own, to call the attention of his readers to it in the columns of his paper. Thus early did the men of that frontier town inaugurate a movement which was destined to sweep and control the nation, and which did sweep the country, and change entirely the policy of the government. Whether there was or was not in this general uprising any local action which antedated it, few will question the propriety of his language who took the initiative when he says: "The actors in this remote little eddy of politics thought at the time that they were making a bit of history by that solitary tallow candle in the little white school-house on the prairie; and whether ever recognized and published or not, they think so still."

But that "little eddy" on that far-off margin was only one of many similar demonstrations, — signs of a turn of the tide in the great sea of American politics. In Washington, on the morning after the passage of the Kansas-Nebraska bill, there was a meeting of some thirty members of the House at the rooms of Thomas D. Eliot and Edward Dickinson, of Massachusetts, called at the instance of Israel Washburn, of Maine,

for consultation in regard to the course to be adopted in the exigencies of the case. The hopelessness of any further attempts through existing organizations was generally admitted; though a few still counselled adherence to the Whig party, in the expectation of securing its aid for freedom. But most present had become convinced that in a new party alone lay any reasonable hope of successful resistance to the continued aggressions of the arrogant and triumphant Slave Power. The name "Republican" was suggested, discussed, and finally agreed upon as appropriate for the new organization.

In pursuance of the same object and in harmony with these suggestions, Mr. Washburn addressed a public meeting in Bangor, in which he spoke of "this great consideration that now overrides all the old party divisions and effete organizations of the country." "Every true Republican," he said, "must take the place, if not the name, of that wise conservative party, whose aim and purpose were the welfare of the whole Union and the stainless honor of the American name." Alluding to this Washington meeting, on another occasion, he attributed much of the first and moving impulse that led to it to Dr. Bailey, editor of the "National Era," of whom he says that he "strove incessantly to bring members of different parties to act together in opposition to the Nebraska iniquity"; and that, "after the purpose to form such a party had been arrived at, there was no one present who did not feel that the measure was only carrying out the policy of which Dr. Bailey had been the earliest, the ablest, and the most influential advocate."

On the 8th of June, 1854, there was held a State convention of the Whig party of Vermont. The spirit of the meeting was strongly antislavery, and the purpose to dissolve all connection with the slavery propagandists and the politicians and parties they controlled was unmistakable. The seventh and eighth resolutions of the platform, drawn by E. P. Walton, afterward member of Congress, invited "the free men of Vermont" and "the people of all the other States who are disposed to resist the encroachments and the extension of slavery" to co-operate for that purpose, and, "in case a national



convention shall be called" for that purpose, "to send delegates thereto." A State ticket in harmony with these sentiments was put in nomination.

On the 16th of the same month, a call was issued for a mass convention of "all persons who are in favor of resisting by all constitutional means the usurpations of the propagandists of slavery." This convention met on the 13th of July. Resolutions identical in spirit and aim with those of the June convention were adopted, one of which closed with these words: "We propose, and respectfully recommend to the friends of freedom in other States, to co-operate and be known as Republicans." A delegation to a national convention, if one should be held, was appointed, consisting of one Free-Soiler, three Whigs, and one antislavery Democrat. A State ticket was nominated; but, the State committees of the parties being empowered "to fill vacancies," a fusion ticket was made up and chosen by little less than two thirds of all the votes cast at the election, and a legislature was elected which sent Jacob Collamer, an anti-slavery Whig, and Lawrence L. Brainard, a Free-Soiler, to the United States Senate.

But, whatever suggestions others may have made, or whatever action may have been taken elsewhere, to Michigan belongs the honor of being the first State to form and christen the Republican party. More than three months before the passage of the Kansas-Nebraska bill, the Free Soil convention had adopted a mixed ticket, made up of Free-Soilers and Whigs, in order that there might be a combination of the antislavery elements of the State. Immediately on the passage of the Nebraska bill, Joseph Warren, editor of the Detroit "Tribune," entered upon a course of measures that resulted in bringing the Whig and Free Soil parties together, not by a mere coalition of the two, but by a fusion of the elements of which the two were composed. In his own language, he "took ground in favor of disbanding the Whig and Free Soil parties, and of the organization of a new party, composed of all the opponents of slavery extension. Among the first steps taken was the withdrawal of the Free Soil ticket. This having been effected, a call for a mass convention was issued, signed by more than



ten thousand names. This convention met on the 6th of July and was largely attended. A platform, drawn up by Jacob M. Howard, afterward United States Senator, was adopted, not only opposing the extension of slavery, but declaring for its abolition in the District of Columbia. The report also proposed the name of "Republican" for the new party, which was adopted by the convention. Kinsley S. Bingham was nominated for governor, and was triumphantly elected; and Michigan, thus early to enter the ranks of the Republican party, has remained steadfast to its then publicly avowed principles and faith.

On the 13th of the same month, a convention was held at Columbus, Ohio. The call was addressed to those in favor of "breaking the chains now forging to bind the nation to the car of American slavery." It was largely attended, and its proceedings inaugurated a canvass of the State, which resulted in the election of an anti-Nebraska delegation to Congress by more than seventy thousand majority. On the same day, a similar convention was held in Indiana, at which speeches were made by Henry S. Lane, Henry L. Ellsworth, and Schuyler Colfax. Similar results followed. The elections of the following autumn were carried by the friends of freedom, and the permanent organization of the party was assured.

In New York, the Whigs held a convention early in the summer, under the lead of Mr. Seward and Thurlow Weed, adopted a series of resolutions, and also nominated a ticket in decided opposition to the Nebraska policy. On the 17th of August, an anti-Nebraska convention was held at Saratoga. Resolutions were introduced by Mr. Greeley indorsing the policy of those States which had already taken steps toward the formation of a new party; but without action thereon the convention adjourned, to meet on the 26th of September at Auburn. At this adjourned meeting a proposition to form a new party was introduced; but, though debated, it was not adopted. The Whigs having by their platform and ticket put themselves in substantial accord with the sentiments of the convention, it was deemed expedient to retain the Whig organization and to contest the election under its auspices. The

ticket was successful, and Myron H. Clark and Henry J. Raymond were elected governor and lieutenant-governor.

Immediately after the passage of the Kansas-Nebraska bill, a large and enthusiastic State convention of the Free Soil party was held in Boston, at which addresses were made by Giddings, Hale, Andrew, and others. Its spirit and purpose were well expressed by Mr. Wilson. "If there is," he said, "a 'forlorn hope' to be led, we will lead it, and others may take and wear the honors. But we go with none who do not wear our principles upon their foreheads, and have them engraved on their hearts."

During the subsequent weeks, there were many conferences and attempts to unite the leaders and members of the Whig and Democratic parties in the proposed combination against the Slave Power, but with indifferent success, the Whigs preferring to retain their organization intact, and professing to believe that slavery could be more effectively opposed by it than by that proposed. But a convention met in Worcester on the 20th of July. Judge Oliver B. Morris was made president, an organization was effected, the name "Republican" accepted, and a platform, reported by Seth Webb, Jr., was adopted. A State convention of delegates was held at Worcester on the 7th of September. The venerable Robert Rantoul presided. A series of resolutions was reported by John I. Baker, and an elaborate and eloquent address was made by Mr. Sumner. Mr. Wilson, who had been the Free Soil candidate the previous year, was nominated for governor; and Increase Sumner, up to that time a member of the Democratic party, was nominated for lieutenant-governor. In these conventions no prominent Whigs or Democrats took part, and few members of those parties were present. Being composed mainly of Free-Soilers, the Whig and Democratic presses naturally united in pronouncing "fusion" a failure. They referred to the fact that the leading men in one or both of the conventions were Jackson, Bird, Keyes, Andrew, Webb, Swift, Wilson, and Sumner, as evidence that the new party was only the old Free Soil party under another name. This failure of the attempted fusion, through the persistent purpose of leading Whigs to adhere to their or-

ganization, was recognized by thousands of antislavery men who saw that the demolition of the Whig and Democratic parties by the American party might produce a political chaos out of which a new and better creation might soon spring. They therefore united or co-operated with that organization, and gave their support to it, joined in the election of members of Congress and the legislature, and so impressed their policy on the legislation of the State as to draw from Theodore Parker the declaration that the legislature of that year was "the strongest antislavery legislative body that had ever assembled in the country."

Though the Republican party was not immediately organized in all the free States, its spirit inspired and its ideas largely pervaded the North. Within one year eleven Republican Senators were elected and fifteen States had secured anti-Nebraska majorities. Out of one hundred and forty-two Northern members of the House, one hundred and twenty were opposed to the iniquitous measure. They were in sufficient numbers not only to control the election of Speaker, but they were able, by a majority of fifteen, to declare that, "in the opinion of this House, the repeal of the Missouri compromise of 1820, prohibiting slavery north of 36° 30' was an example of useless and factious agitation of the slavery question, unwise and unjust to the American people."

Several States which had failed to organize a Republican party in 1854 did so in 1855. It was in that year that Ohio came into line, by completing a Republican organization and putting in nomination Salmon P. Chase and Thomas H. Ford for governor and lieutenant-governor. Conservative Whigs and proslavery "Americans" supported ex-Governor Trimble, and did what they could to defeat the Republican ticket; but it was carried by nearly fifteen thousand majority.

The Republicans of Pennsylvania held a convention at Pittsburg on the 5th of September. Judge William Jessup was president, and Alexander K. McClure was chairman of the committee on resolutions. Eloquent speeches were made by John A. Bingham, Mr. Giddings, and Lewis D. Campbell of Ohio, and by Allison and Howe of Pennsylvania.



Letters were received from Wilmot, Hale, B. F. Butler of New York, and Wilson of Massachusetts. "Pennsylvania," wrote the latter, "holds in her hand the result of the election of 1856; if she stands firm, that year will witness the complete overthrow of the Slave Power of the South and the servile power of the North." Passmore Williamson, then imprisoned by Judge Kane, was nominated as canal commissioner. Many Whigs and "Americans," however, refused to act with the Republicans, and he was withdrawn, and another was nominated who received the support of Whigs, "Americans," and Republicans. But the change did not effect the result, for the Democracy carried the State by a decisive majority.

When the American National Council was disrupted in 1855, another effort was made in Massachusetts to attract to the Republican party the men of antislavery tendencies of that broken organization and of other parties. On the 16th of August, a meeting without distinction of party was held at Chapman Hall in Boston. John Z. Goodrich presided. A committee, on motion of Samuel Bowles, was chosen to prepare a plan of practical action. George Bliss, Moses Kimball, Franklin Dexter, William Bingham, members of the Whig party, and Dana, Adams, Park, Walker, Wilson, Keyes, Stephen C. Phillips, and John L. Swift, Republicans, made brief, conciliatory, and eloquent speeches. The aged, venerable, and venerated Lyman Beecher uttered a few words of hope, trust, and confidence. On the 30th of August, there was a meeting of conference committees in Boston. It represented the American party, the "Know Somethings," an antislavery organization which had held a national convention at Cleveland in June, and a committee representing the Chapman Hall meeting. A proposition made by Charles Allen was sent by the Chapman Hall committee to the other committees, proposing a call for a union convention to form a new political party. Robert B. Hall suggesting that they were not there to make conditions but to conclude arrangements, a resolution was returned to the Chapman Hall committee to the effect that they were ready to co-operate in calling a State convention without distinction of party, with "the view of placing Massa-

chusetts in sympathy and connection with the great Republican movement now in progress." After debate this resolution was laid upon the table, and a simple resolve was passed, proposed by Mr. Bowles, inviting the committee to a conference. This invitation was accepted, the conference was held, and a committee of twenty-six was appointed to call a State convention, at the head of which was placed the venerable Samuel Hoar. In pursuance of a call made by this committee, indorsed by eminent citizens of all parties, a State convention was held at Worcester on the 20th of September. P. Emory Aldrich called the convention to order. Nathaniel P. Banks presided, and, on taking the chair, expressed "sympathy with its objects and fidelity to its acts." Richard H. Dana, Jr., chairman of the committee on the platform, reported an admirable address to the people of the State, and a series of resolutions. There was a sharp contest between the supporters of Governor Henry J. Gardner and the friends of a new candidate. After an excited and somewhat angry debate, Julius Rockwell, a member of the Whig party, was nominated for governor by the small majority of thirteen. Although the American supporters of Governor Gardner had joined in the call of the convention and had participated in its proceedings, they were not satisfied with the result. An American State convention was called, Governor Gardner was nominated and elected, and the Republicans of Massachusetts were a second time defeated.

In New York two conventions were held on the 26th of September at Syracuse, for the purpose of organizing a Republican party, which had not been done the previous year, on account of the action of the Whigs, and the plea that the people were not yet ready. Reuben E. Fenton presided, and Joseph Blunt was chairman of a committee of conference with the Whig convention. That convention, under the lead of John A. King and Edwin D. Morgan, afterward Republican governors, adopted antislavery resolutions, united with the Republican convention, and formed a union ticket at the head of which was placed the name of Preston King. But the conservative and "silver gray" Whigs refused their support. Many anti-

Nebraska Democrats voted for what was known as the "soft" ticket, although the convention of that section of the party, composed largely of those who had voted for Van Buren in 1848, had failed to condemn in fitting terms the repeal of the Missouri compromise. Under these untoward circumstances the Republican ticket was defeated by the ticket headed by John T. Headley, and supported by the proslavery "Americans" and "silver gray" Whigs.

The sudden and simultaneous uprising and action of the people of the free States in 1854, in consequence of the repeal of the Missouri compromise, under the common designation of "anti-Nebraska," had, for the moment, rather the character of a temporary combination for a specific purpose than a permanent organization, based on a general agreement and looking forward to continued association, though it led, and was an important step, in that direction. It was a combination of Free-Soilers, Republicans, "Americans," old Whigs and Democrats, who were indignant at the removal of the ancient "landmarks of freedom." For the time they were united in their object to oppose and rebuke the administration for this breach of faith. In some of the States this battle was fought under the lead of the Whigs, in others under that of the rising American organization, and in others with those who had just assumed the name of Republicans. But in the next year, when the effort was made to define more clearly the principles and perfect more fully the organization of this new party of freedom, thousands who had voted in 1854 under these various names and organizations, and with different motives, for its principles, refused to follow its lead and to be called by its name. In consequence, there was a real or seeming reaction, and some States, which had thus condemned the faithless administration of Franklin Pierce, failed, that year, to give Republican majorities.



## CHAPTER XXXII.

### THE DISRUPTION OF THE AMERICAN PARTY.

Formation. — Objects. — Rapid growth. — Antislavery element. — Damaging effect on other parties. — Southern feeling and purpose. — Meeting at Cincinnati. — Union degree. — Kenneth Raynor. — Defeat in Virginia. — National Council at Philadelphia. — Southern purpose. — Hostility towards Massachusetts. — Mr. Wilson. — Banquet. — Struggle on resolutions. — Majority report proslavery. — New York delegation. — Minority resolutions. — Debate on platform. — Speeches of Governors Gardner and Fletcher, of Foster, Wilson, Ford, and Raynor. — Raynor's amendment and speech. — Northern platform rejected and Southern adopted. — Party disrupted. — Meeting of Northern delegates. — Declaration of sentiments. — Address adopted. — Addresses of Pennsylvania and New Jersey delegates. — Protests. — Comments of New York "Times" and "Tribune," and Boston "Atlas."

IN the year 1853, a secret Order was organized by a few men in the city of New York. Its professed purpose was to check foreign influence, purify the ballot-box, and rebuke all efforts to exclude the Bible from the public schools. The dissatisfaction in the ranks of the old parties, growing out of the attempted repeal of the Missouri compromise in the winter of 1854, caused it to increase in that city with wonderful rapidity, and to spread into other cities, towns, and States. The disorganization of parties, when that compromise was abrogated, crowded its secret Councils, and it rapidly spread over the Northern States. Hundreds of thousands who cared less for its avowed principles and purposes than for the higher claims of justice and humanity, and had little faith in its permanency, were willing to use its machinery to disrupt the Whig and Democratic parties, in the confident hope that, out of the disorganized masses, there would come a great political party antagonistic to the dominating influences of the Slave Power.

This organization, known as the Know-Nothing or American party, wielded a potent influence in the Northern elec-

tions of 1854. In the Western States, Pennsylvania, and New Jersey it largely shaped the nominations, and co-operated at the polls with Whigs, anti-Nebraska Democrats, and Free-Soilers. In New York, where it had great strength, and where it was largely under the influence of men who claimed to be conservative on the slavery question, it supported a State ticket, but united with Whigs and antislavery men in the election of members of Congress in most of the congressional districts. The Whig leaders and papers of Massachusetts insisting on maintaining their organization intact, thousands of Whigs, anti-Nebraska Democrats, and Free-Soilers, seeing clearly that a fusion of parties could not then be effected, went into the Councils of the Order and carried the State by an immense majority. When the elections of that year closed, it was found that the Democratic party had been prostrated in nearly all the Northern States, that the Whig party had been completely disorganized and disrupted, and that more than seventy-five members of the new party had been elected to Congress in the Northern States, most of whom were antislavery in sentiment, and afterward gave their adhesion to the rising Republican party.

Though the influences within the American party had been strongly antislavery, and its victories had been hostile to the continued domination of the Slave Power, as soon as the elections were over, Southern politicians and some at the North who were without antislavery convictions, and who had failed to comprehend the full significance of the uprising of the people of that year, sought, they said, to "nationalize" it, which, in the parlance of the times, was but another name for placing it in the attitude of hostility to freedom and its demands, or at best making it neutral thereto.

In November, a national delegation of the Councils of the new organization met at Cincinnati. There were few public men present, but it was, nevertheless, a body strong in intelligence and character. The victories they had achieved or aided in achieving in the Northern States intensified their devotion to a party which had so suddenly assumed such large proportions, as they also inspired them with hope and confi-

dence. At this meeting, too, the third, or Union, degree of the Order was adopted, having been proposed by Kenneth Raynor, of North Carolina. Mr. Raynor had been a Whig member of Congress, and was an eloquent and effective speaker. Although a large slaveholder, and strenuous for what he believed to be the rights of the slaveholding States, he was national in his sympathies, and strongly attached to the Union. He had united with the American party, was a firm believer in its distinguishing doctrines, and was hopeful of its success. He conceived the patriotic idea that the new association might be turned to good account by arresting the disunion sentiment that was manifesting itself in the South. While on his way to the National Council, he resolved to propose a third degree, having for its specific purpose the preservation of the Union. Unfolding his plan to Joseph Segar of Virginia, he received from that gentleman a promise of cordial support.

Arriving at Cincinnati, he suggested his plan to several delegates, both Northern and Southern; but he met with hesitation and doubt, though on his motion a committee of one from each State was appointed for the purpose of considering the expediency of adding a degree based on this simple idea of uncompromising devotion to the Union. As chairman of the committee, he prepared and reported the obligation or oath, and spoke warmly in support of its adoption. He declared his object to be "the preservation and perpetuity of the Union in all coming time; to maintain and defend it against all encroachments under all circumstances, and to put under the ban of proscription any and all men who might be engaged in impairing its vigor or resisting its authority." The proposition was sustained by several delegates of both sections of the country, and was adopted by a nearly unanimous vote.

This third, or Union, degree, thus authorized, was conferred by Mr. Raynor himself on the delegates present. The ceremonial was imposing and impressive. It bound each member under the most solemn pledges to adhere to, defend, and maintain the Union of the States against any and all



assaults, from all and every quarter, without any condition, stipulation, or limitation. The recipients of this degree were welcomed to the brotherhood of the "Order of the American Union." In six months from that time it was estimated that a million and a half of men had taken the degree, and it continued to be administered until the final dissolution of the organization.

Whatever may have been the influence of this Union degree over the mind and heart of Southern men, its tendencies in the Northern States were to foster the interests of slavery and to sustain the Slave Power. A small but active portion of the American organization in the Northern States, especially in the States of Massachusetts, New York, Pennsylvania, and New Jersey, assumed that fidelity to the Union and devotion to its flag required that they should strive to arrest antislavery movements, defeat antislavery action, and proscribe antislavery men; but in spite of their opposition the great body of the American party remained true to freedom. State legislatures they had helped to elect passed resolutions condemning the repeal of the Missouri compromise, and elected to the Senate of the United States Harlan, Trumbull, Durkee, Seward, Foster, Wilson, Hale, and Bell.

But the American party received a severe, if not fatal, defeat in Virginia in the spring of 1855. Under the lead of Henry A. Wise, the Democracy achieved a victory which, with the well-understood causes thereof, greatly discouraged, if it did not extinguish, the hopes of the Order throughout the South. The Northern successes for freedom, in which Americans had so conspicuously participated, could but exert a damaging influence upon their party at the South, making these Northern victories really tantamount to Southern defeats. So marked had been this result that the Southern members looked forward with great solicitude to the meeting of the National Council, in the hope and with the purpose of relieving the Order from the suspicion and stigma of being an "antislavery party in disguise," which had been so industriously fomented, and adroitly fixed upon it by the Democrats in this election.

Nor were the more observing and thoughtful antislavery

men of the North unaware of the significance of the occasion, or less anxious concerning the approaching convocation of the young and rapidly growing party. They foresaw the coming struggle, and sought to prepare therefor. Mr. Wilson, in a letter to Theodore Parker, written after the meeting, thus describes the views and purposes he entertained concerning the exigency in prospect. "I saw," he said, "that one of three things must happen: that the antislavery members must ignore their principles to make a national party; or they must fight for the supremacy of those principles and impose them upon the organization, which would drive off the Southern men; or they must break up the party." After saying that it was his purpose to have the party "take a moderate but positive antislavery position," he added: "If not, I determined that it should be broken at the June meeting of the National Council, so that the friends of freedom might have time to rally the people."

The Council met in Philadelphia on the 5th of June, 1855, the representative of a party unparalleled in the rapidity of its growth and the vigor of its action, and possessed of a following in numbers that invested its proceedings with national interest and importance. It claimed to have enrolled in its Councils a million and a half of voters. The New York "Herald," during the meeting, gave it a constituency of one million three hundred and seventy-five thousand; and there can be no doubt that it did number in its ranks at least a million and a quarter. Most of the States were represented, each by seven delegates; the Southern, by men in deadly earnest that their favorite institution should be rescued from the harm shadowed forth by the results of the Northern elections. Nor were their feelings, and those of their Northern sympathizers, in earnest alone upon the general interests of the slave system; they were intensely bitter against Massachusetts and her delegation.

The Americans of that State had elected a delegation to the House of Representatives, nearly all of whom were members of the Free Soil party; had chosen a legislature that elected Mr. Wilson to the United States Senate; had passed resolu-



tions condemning the repeal of the Missouri compromise, and in favor of the unconditional repeal of the Fugitive Slave Act: had enacted laws to give colored children an equality in the public schools, and to protect personal liberty; and had adopted an address to the governor, requesting the removal of Judge Loring for the rendition of Anthony Burns.

The opposition to Mr. Wilson was especially strong. He had been an antislavery man for twenty years; had, immediately after his election, declared unrelenting opposition to slavery in all its forms: indorsed Mr. Burlingame's declaration for "an antislavery Constitution, an antislavery Bible, and an antislavery God"; and had declared, a few days after taking his seat in the Senate, that the North intended to place men in the councils of the nation who could not be seduced by blandishments nor deterred by threats, and who had sworn uncompromising hostility to every form of oppression. In a public meeting in the city of New York, over which Henry Ward Beecher presided, he had just declared: "If my voice could be heard by the whole country to-night, by the antislavery men of the country to-night of all parties, I would say to them: Resolve it, write it over your door-posts, engrave it on the lids of your Bibles, proclaim it at the rising of the sun, and at the going down of the same, and in the broad light of noon,—that any party in America, be that party Whig, Democrat, or American, that lifts its finger to arrest the antislavery movement, to repress the antislavery sentiment, or proscribe the antislavery men, it surely shall begin to die; it would deserve to die, it will die, and by the blessing of God I shall do what I can to make it die." Only a few days before the meeting of the National Council, he had said, in an address to the Americans of Vermont, that if that party did not wish a speedy death and a dishonored grave, it must accept the idea that the national government must be relieved from all connection with and responsibility for slavery. He had expressed his gratification at the defeat of the Americans in New York, who had striven to commit the party against antislavery principles, measures, and men.

Of course these utterances brought upon Mr. Wilson sharp



criticisms and bitter denunciations. Delegates who came to that convention resolved to make the American party a proslavery organization denounced him as an abolitionist and a disorganizer, and kept him and his associates for one day, on the merest technicalities, out of the convention; and soon after the Massachusetts delegation had taken their seats, Mr. Bolling of Virginia denounced the Americans of that State as abolitionists and disorganizers, whose action had brought disaster upon him and his friends. Referring especially to Mr. Wilson's speeches, he sharply and bitterly criticised his course, and that in language deemed by all personal, indecorous, and highly offensive.

To this assault upon his State and upon himself, Mr. Wilson promptly replied. Massachusetts, he said, stood upon her own State rights; she was competent to take care of her own interests; her goods, and not her principles, were for sale. "Twenty years ago," he added, "I pledged myself to liberty; and I have never spoken or written one word inconsistent with that pledge, and I never will do so to save any party on earth. In public and in private I have freely uttered my antislavery sentiments and labored to promote the antislavery cause, and I will continue to do so. You shall not proscribe antislavery principles, measures, or men, without receiving from me the most determined and unrelenting hostility. The past belongs to slavery,—the future to freedom. The past is yours,—the future is ours. We wish you men of the South distinctly to understand that we have the power to prohibit slavery in the Territories and to abolish it in the District of Columbia, and we mean to do it. We intend to repeal the Fugitive Slave Act, and we mean that Kansas shall never come into the Union as a slave State,—no, never." The slavery conflict in the convention, thus begun, continued with scarcely any intermission, day and night, for more than a week.

On the 7th, there was a banquet given to the members of the Council by the citizens of Philadelphia, over which Mayor Conrad presided. It was under the control of the proslavery men of that city, and some of the members of recognized anti-slavery sentiments were made to feel that they were under the

ban. Some of the Northern delegates absented themselves from the banquet, and others declined to speak when called upon. The speeches breathed the spirit of "nationality," and opposition to the demands of slavery was deemed sectional, if not disloyal to the Union.

On the 8th, a sharp struggle took place for the presidency of the Council. The position was sought by his friends for James W. Barker of New York, the temporary chairman; but his proslavery tendencies and those of his delegation were so marked and offensive to many Northern members that he was defeated, and E. B. Bartlett of Kentucky selected.

On motion of Judge Cone of Georgia, a committee on resolutions, consisting of one from each State, the District of Columbia, and the Territory of Minnesota, was appointed. The struggle in the committee was sharp and severe, continuing through three days. Resolutions were presented, written by Vespasian Ellis, editor of the national organ at Washington. They forbade discussion of slavery in any form by the American party, and demanded the rigid enforcement by the national government of the laws, especially of the Fugitive Slave Act. An amendment was proposed demanding of the national government protection to actual settlers; but it was rejected by a majority of two. The resolutions were adopted in committee by one majority, but afterward reconsidered. It was finally agreed, by a vote of seventeen to fourteen, to report resolutions written by Mr. Burwell of Virginia and presented by Mr. Lyon of New York. They denied the power of Congress to prohibit slavery in the Territories, or to abolish it in the District of Columbia, and they demanded that the nation should maintain and abide by the existing laws on the subject. This platform, pledging the American party to slavery, was adopted in the committee by the delegations from fourteen Southern States, the State of New York, the District of Columbia, and the Territory of Minnesota. But the New York delegation was mainly responsible for this majority report, which so discouraged the moderate and fair-minded delegates from the border States, and so emboldened the extreme Southern men in their demands.



Mr. Lyon even boasted of his agency in presenting the proslavery platform. Mr. Barker assured Southern delegates that the Americans of New York were sound; that they had expelled thirty thousand members of the American party for voting for Governor Clark, the Whig candidate for governor, and for supporting the re-election of William H. Seward to the Senate; but that they had one hundred and eighty thousand members left, and could control that great State. Mr. Squires avowed that he would join the Democratic party if the convention failed to adopt a proslavery platform, and he bitterly assailed the friends of freedom and their representatives in the Council. Mr. Sammons was exceedingly anxious that the American party should make a declaration against emancipation in the national capital.

A minority resolution was reported by the members of the committee from fourteen States. It proposed the immediate restoration of the prohibition of slavery in the territory covered by the Missouri compromise of 1820, the protection of actual settlers, and the admission of Kansas and Nebraska as free States. This resolution was written by Samuel Bowles, editor of the Springfield "Republican," though he was not a member of the Council, and was simply acting as the reporter of the New York "Tribune." It was presented to the committee by John W. Foster of Massachusetts.

The majority and minority reports were made on Monday, the sixth day of the session. Mr. Mallory of New York denied, at the outset, the necessity of discussion, and demanded submission to the will of the majority. Several members of the committee and of the Council rose to respond to this impertinent demand, but all yielded to Governor Gardner of Massachusetts. He declared that the resolutions conceded too much, and that the party could not carry a village in Massachusetts upon them. Governor Fletcher of Vermont followed. He told the convention that if it persisted in the Southern policy proposed, popular indignation would extinguish slavery and extirpate the whole tribe of Northern dough-faces. Mr. Clements of Delaware, arraigned by his colleagues for signing the minority report, sustained his position, said



he had acted conscientiously, and contended that the demands of the North were right.

The debate on the platform ran through three days, and was able, eloquent, excited, but bitterly personal. Mr. Foster charged that the basis of representation in the Council was wrong, and that it had been deliberately packed to stifle the voice of the free States. He denounced the repeal of the Missouri compromise, declaring it to be "iniquitous in its conception, as it disturbed a time-honored compact; unjust in its passage, wrested as it was from a reluctant Congress by a President with all the spoils and appliances of the nation at his command; and disastrous in its results, as it renewed all the agitating questions and led to scenes of lawless violence." Taking "the restoration of the Missouri compromise as our rallying cry, and inscribing it on our banners," he said, "we can carry every free State from the Atlantic to the Mississippi."

Mr. Wilson opposed the adoption of the illiberal, proslavery, and intolerant platform. "Its adoption," he said, "commits the American party unconditionally to the policy of slavery, to the iron dominion of the black power. The people of the North will repudiate it, spurn it. I here and now tell you to your faces that I will trample with disdain upon your platform. I will not support it; I will support no man who stands upon it. Adopt that platform, and you array against you the noblest pulsations of the human heart, the holiest convictions of the human soul, the profoundest ideas of the human intellect, and the attributes of Almighty God. Your party will be withered by the blasting breath of the people's wrath. The antislavery sentiment is a profound religious conviction, resting upon the commands of Almighty God to 'do unto others as we would that others should do unto us,' to 'love our neighbors as we love ourselves,' to 'undo the heavy burdens, and to let the oppressed go free.' Do you think the descendants of the old sturdy Puritan race, that met the demands of priests, nobles, and kings with the stern 'Thus saith the Lord,' will smother the holiest convictions of their souls, and obey the decrees of a body of men like this? I tell you they will do so never."

“Reject this majority platform, adopt the proposition to restore freedom to Kansas and Nebraska and to protect the actual settlers from violence and outrage, simplify your rules, make an open organization, banish all bigotry and intolerance from your ranks, place your movement in harmony with the humane progressive spirit of the age, and you may win and retain power, and elevate and improve the political character of the country. Adopt this majority platform, commit the American movement to the slave perpetualists and the slave propagandists, and you will go down before the burning indignation and withering scorn of American freemen.”

The speech of Mr. Ford of Ohio, afterward lieutenant-governor, was exceedingly effective. Referring to the repeal of the Missouri compromise, he characterized that breach of trust with great plainness of speech, filling the moderate men of that section with shame and making the extreme men furious. He compared the course of the South in regard to the Missouri compromise with that of the man who bought a horse on Sunday, gave his note for it, sold it, pocketed the money, and then turned round and repudiated payment of his note “because, given on the Sabbath, it was illegal.” “You acknowledge,” he said, “you have had the consideration, you admit the repeal to be unjust and an outrage, and yet you refuse to right it.” Several Southern members sprang to the floor to deny that they had admitted that the repeal was an outrage. “Well,” said Mr. Ford, “get up and tell us what you think about it; let us hear your confessions.” The repeal of the Missouri compromise was defended by Judge Hopkins of Alabama and Mr. Cunningham of South Carolina, on the ground that it was unconstitutional.

Kenneth Raynor asked if it was expected that Southern gentlemen would give their mental experience, to which Mr. Ford replied: “Yes, sir, let us hear you all.” “Well, then,” said Mr. Raynor, “I have to say that the repeal of the Missouri compromise was an uncalled-for and unnecessary act, an outrage even, a violation of plighted faith; and I would have seen my right arm withered, and my tongue palsied, before I would have voted for it.” This emphatic declaration was

received with surprise, hisses, and denunciatory exclamations from the ultra Southern men. Mr. Raynor was insolently told that he would be put down at home for such utterances. He bravely replied that he would trust the generosity and justice of his State, and, if his enemies made the issue, he would stump the old North State in defence of his opinion, "from the Atlantic Ocean to the Tennessee mountains."

Moderate and conciliatory speeches were made by Governor Brown of Tennessee and Governor Johnson of Pennsylvania. Cumback of Indiana, Booth and Sperry of Connecticut, Jennings of Illinois, opposed the majority resolutions; but they were sustained by Burwell of Virginia, Morse and Stewart of Alabama, and Cone of Georgia, chairman of the committee on the platform.

Mr. Raynor offered an amendment proposing to strike out everything relating to slavery, and to declare in substance that the American party was organized to remedy certain existing evils; that any evil connected with slavery was not among them, and did not come within the purview of the organization; that it was neither a proslavery nor an antislavery party; that it recognized the right of private judgment, of freedom of speech and of the press upon the subject of slavery; that all questions touching its agitation should be ignored and discouraged; but that the American party, should it come into power, would so dispose of that question as to mete out justice to all sections and interests. In support of his amendment, he addressed the convention for a portion of two days in an elaborate, eloquent, and intensely earnest speech. He appealed to the representatives of both sections of the country to say nothing whatever upon the subject of slavery, to respect the private judgment of members, and to leave the issues growing out of that exciting question to the future, when they should have achieved success and assumed the responsibilities of power.

The ultra Southern men were indignant at such sentiments from a representative of their own section, contemptuous and insolent. The Northern men, who could not follow his counsels, honored him for his liberal action as a Southern man, and



for his national and patriotic sentiments. Though he had canvassed the convention, and received pledges from a majority of twenty-one to sustain his amendment, yet it failed of receiving a majority by fifty-four votes. The Northern platform was rejected by a vote of fifty-one to ninety-two. The Southern was then adopted by a vote of eighty to fifty-nine. The vote was taken near midnight, at the close of a session of eight days; and the National Council was rent in twain.

On the morning of the 14th, a meeting of the Northern delegates was held. Mr. Wilson was chairman of the meeting. An address to the people of the United States had been prepared, in anticipation of the result finally reached. Several members desired that it should be restricted to a simple appeal to the people on the differences in the National Council concerning slavery. A declaration of sentiments was also proposed by Mr. Wilson. It maintained that the Declaration of Independence and the Constitution were intended to secure the blessings of liberty; that the Constitution conferred upon Congress no more power to make a slave than to make a king, and no more power to permit the existence of slavery, where it had exclusive jurisdiction, than to permit the existence of an order of nobility; that slavery was a mere municipal regulation; that the government should relieve itself from all connection with it; that the repeal of the Missouri prohibition was a violation of plighted faith, and that its unconditional restoration should be insisted on; that protection should be extended to the actual settlers in Kansas; that they would resist the admission of any States tolerating slavery, created out of any portion of the territory covered by the Missouri compromise; and that they could not consent to act with any body of men on earth who would not redress the great wrong perpetrated by the repeal of that compromise, and who would not unite with them in demanding the protection of the actual settlers of Kansas against lawless violence. This declaration was strenuously opposed by Governor Gardner of Massachusetts, who declared with great emphasis that he would "not be abolitionized, anyhow"; and, to secure unity of action, it was abandoned.

But an address, reported by John W. Foster, was adopted.

It declared in favor of the unconditional restoration of the prohibition of slavery under the Missouri compromise of 1820, for the admission of Kansas and Nebraska as free States, for the protection of actual settlers in the free and undisturbed exercise of the elective franchise; and it avowed that its authors could not conscientiously act with those who would not aid in correcting "these national wrongs." This address was signed by fifty-three members. Delegates from Pennsylvania and New Jersey prepared a separate address for their constituents. A committee of correspondence was appointed, and Godlove S. Orth of Indiana was chairman. A protest was laid before the Council on the 14th, signed by Governor Johnson of Pennsylvania and fourteen other delegates. Another protest, signed by Orth, Colfax, Cumbach, and other members of the Indiana delegation, was presented, in which they declared that the Americans in Indiana had made the issue against the Kansas-Nebraska bill at the ballot-box; that the edicts of the Council would be powerless to reverse the actions, or to change the opinions of the people of that State. This delegation, too, expressed the deliberate conviction that, immediately upon the publication of the platform which had been adopted, the Order in Indiana would cease to acknowledge the authority of the National Council.

Of this action of the Council, the New York "Times" said: "The Know-Nothings are entitled to the credit of having been the first to meet the aggressive proslavery spirit with bold and manly courage, and to refuse obedience to its behests. Their example, we trust, will not lack imitators in the other political parties. Their noble adherence to principle, we are sure, will be held in everlasting remembrance. Up to the present time a national convention has been equivalent to a national surrender. The Know-Nothings have inaugurated a new era." Of the action of the Northern delegates the New York "Tribune," in an article entitled "The Event of the Day," said: "We cannot withhold our applause from the manly and gallant conduct of Massachusetts, Ohio, and the Northern States generally. There has never been a similar collection of delegates from all parts of the Union where so

cheering a spectacle could be witnessed." The tone of the Northern press, opposed to the repeal of the Missouri compromise, was well expressed by the Boston "Atlas," when it said of that convention, "The North has maintained the perpendicularity of its spinal column."

On the adoption of the Southern platform a conference was held between Mr. Wilson, Mr. Bowles of the Springfield "Republican," and Colonel E. Lincoln. Mr. Bowles had been an earnest and effective Whig; but he understood the purposes of those who had disrupted the American party, and was ready to unite with them in forming a party of freedom. Colonel Lincoln had been, too, one of the most earnest and sagacious leaders of the Whig party in Massachusetts. It was his judgment that the time had arrived for the disbandment of that organization, and for the formation of a new party, not only in Massachusetts, but throughout the country, on the basis of the Republican platform. Fully according in the sentiment, as expressed by Mr. Wilson, that the time had come for combining the few thousand avowed Republicans, anti-Nebraska Democrats, and antislavery Americans, and that all that was necessary was for the Whigs to unite in the movement to control the policy of the State, they agreed that Mr. Winthrop was the man to take the lead in such an effort. Mr. Wilson urged these gentlemen to hasten home, see Mr. Winthrop, and urge upon him the necessity of prompt action. "Tell him," said Mr. Wilson, "that we antislavery men want him and his Whig friends to take the lead in forming a victorious Republican party in Massachusetts, that we are ready to make any sacrifices for the cause of freedom, that we will go into the ranks and work for victory, and that he and others may win and wear the honors of success." But, though pressed to do so, Mr. Winthrop declined to join the movement proposed.

After the disruption of the Order, those members who had forced the proslavery resolutions upon the Council dissolved and went to their homes, but they were disappointed at the result. Those who had left the Council made their appeal with more confidence, however, than the facts warranted, to



the people of the free States to unite on the basis of opposition to the further extension of slavery and the ulterior designs of the Slave Power. For broken as the party was, and crushed as were its hopes of national success, it was strong enough to so embarrass the Republican movement as to enable a Democratic administration to recover that year the States of New Jersey, Pennsylvania, Indiana, and Illinois, and itself to carry the States of New York, California, and Massachusetts.

## CHAPTER XXXIII.

### THE ARBITRARY ENFORCEMENT OF THE FUGITIVE SLAVE ACT.

Anthony Burns. — Application to Judge Loring. — Burns arrested. — Hearing postponed. — Meeting in Meionaon Hall. — In Faneuil Hall. — Speeches of Phillips, Parker, Swift. — Assault on the Court House. — Unsuccessful attempt at rescue. — Batchelder killed. — Military called out. — Singular language of Judge Loring. — Trial. — Dana's plea. — Burns delivered up. — Procession. — Prayer of Mr. Foster. — A secret association. — Drills. — Indictments against Parker, Phillips, Higginson, Stowell, Morrison, Proudman, and Cluer. — Quashed. — Dissatisfaction at the course of Judge Loring. — Rejected as professor. — Removal as judge. — Case of John Glover. — Rescue. — Decision of Wisconsin courts. — Not sustained. — Booth and others indicted and discharged. — Brutalities. — Judge Grier. — Case of Passmore Williamson. — Judge Kane's harsh decisions. — Williamson's imprisonment. — Writ of *habeas corpus* denied. — Jane Johnson's testimony. — Final discharge.

ON Tuesday morning, the 23d of May, 1854, intelligence was flashed over the country that the House of Representatives had passed, late in the hours of the preceding night, the bill for the repeal of the Missouri prohibition of slavery. At a time, then, when the country was profoundly agitated, and all hope of defeating that obnoxious measure had died, and the people, especially of New England, were sad and indignant, Charles F. Suttle, a Virginia slaveholder, applied to Edward G. Loring of Boston for a warrant, under the Fugitive Slave Act, for the seizure of Anthony Burns. A warrant was granted the next day by this judge of probate and United States commissioner. On the evening of that day, Burns was arrested on a false pretext, taken to the Court House, and kept by the marshal under an armed guard. On the morning of the 25th, he was brought before the commissioner. Seth J. Thomas and Edward G. Parker appeared for the claimant. Wendell Phillips and Theodore Parker, hearing of the arrest, procured admittance into the Court House with no little difficulty. Mr. Parker states that he spoke with Burns, who "sat

in the dock, ironed, between two of the marshal's guards." Richard H. Dana, Jr., and Charles M. Ellis, interposed,—not as counsel, but simply as *amici curiæ*, friends of the court,—protested against the unseemly haste of the proceedings, asked that counsel might be assigned to Burns, and begged for an adjournment of the examination. After repeated protests and requests, the commissioner adjourned the hearing until the morning of the 27th.

The intelligence of this arrest created widespread and intense excitement. Application was made and readily granted for the use of Faneuil Hall, in which to give expression to the public feeling. On the afternoon of the 26th, a meeting was held in Meionaon Hall. Fiery and excited speeches and all sorts of motions were made. Many were in favor of a night attack upon the Court House, for the rescue of the alleged fugitive. Albert G. Browne, who had been one of the councillors in Governor Boutwell's administration, an earnest, honest, impulsive, and bold man, deprecated this mode of action, and proposed to be one of forty men to go, under the lead of Dr. S. G. Howe, to the marshal in broad daylight, demand the unconditional release of Burns, and, if the demand was not complied with, rescue him at all hazards; but no definite action was taken.

On the evening of the 26th, an immense meeting was held in Faneuil Hall. It was called to order by Samuel E. Sewall, and presided over by George R. Russell, who said, on taking the chair: "We have made compromises until we find that compromise is concession and concession is degradation." Samuel G. Howe presented resolutions declaring that "God wills that all men should be free, and we will as God wills," and that "no man's freedom is safe unless all men are free." Wendell Phillips was "against squatter sovereignty in Nebraska, and kidnappers' sovereignty in Boston." He said that the question was whether or not Virginia should conquer Massachusetts. "If that man leaves Boston," he said, "Massachusetts is a conquered State." Francis W. Bird saw no remedy for the wrongs and outrages perpetrated upon them but "fight"; and he bitterly denounced the tools of the Slave



Power and the press of Boston. John L. Swift said that they had been called cowards and the sons of cowards, and they should prove themselves to be such if they allowed Anthony Burns to be taken back to bondage. "When we go," he said, "from this Cradle of Liberty, let us go to the Tomb of Liberty, the Court House. I hope to witness in his release the resurrection of liberty." Theodore Parker said that they were the "vassals of Virginia; she reaches her arms over the graves of our mothers, and kidnaps men in the city of the Puritans." "There was once a Boston," he said, "but now it is the Northern suburb of Alexandria." The slave law, he said, was declared to be a "finality"; but there was another law which was a finality, and that law "is in your hands and your arms." He thought that if they resolutely declared that this man should not go out of Boston "without shooting a gun, then he won't go back." He proposed that they should meet at Court Square the next morning, put the vote, and declared it carried.

But there were cries in favor of going that night to the Court House and the Revere House, and there was a report that a crowd of colored men and others had gathered in Court Square, and were making demonstrations upon the building. Mr. Swift, who had been in consultation with Mr. Higginson, Seth Webb, Jr., and others that were in favor of an immediate attempt at rescue, or were apprehensive that it could not be prevented, hastened to Faneuil Hall for help. There were cries among those near the doors that the Court House was attacked, and suggestive calls for an adjournment of the meeting to the scene of the apprehended assault. Mr. Phillips then made an impassioned appeal against the proposition to go to the Revere House, to attempt, he said, "the impossible feat of insulting a slave-hunter," or of assaulting the Court House that night. He eloquently pleaded for postponement till the morrow. The zeal, he said, which would not hold out till morning, "would never free a slave." Nevertheless, the meeting hastily adjourned, and some hastened to the Court House, and found that an assault had been made on the western door, which, though strongly guarded, had been

battered in by a piece of heavy timber. Through the opening thus made, a negro gained for a few moments an entrance, though he was terribly beaten by those on guard. T. W. Higginson, Seth Webb, Jr., and Lewis Hayden, struggled to enter, but failed. James Batchelder, a Boston truckman who had been appointed one of the marshal's guard, was killed. The crowd fell back, and Higginson and others who were struggling at the entrance, finding themselves unsupported, besought that they should not be deserted. A. Bronson Alcott of Concord, the thoughtful student of Plato, the associate and friend of Emerson, entered the door of the Court House, and there stood for a few moments serenely amid the clubs, axes, pistols, and other implements of war.

In explanation of the failure of this attempt to rescue Burns, it ought to be stated that at a private meeting, that afternoon, of Howe, Parker, Higginson, Phillips, and others, it had been deliberately decided that no attempt at rescue should be made that evening. With such a decision the meeting broke up about six o'clock; its members pledged to each other to prevent the Faneuil Hall meeting from being hurried into any abortive attempt at rescue. This explains the tenor of the speeches of Phillips and Parker. But during that Faneuil Hall meeting Mr. Higginson changed his mind, and obtained the promise of a few men, in the anteroom, to aid him in a rescue. Accordingly he started for the Court House, leaving a messenger to inform his friends on the platform and ask them to bring the meeting to the scene of action. This message was never delivered. Hence, when the cries were heard round the doors, they were supposed to be mere efforts to break up the meeting. Very few obeyed them; and these few, Dr. Howe among them, though making all haste, did not reach the Court House till after Mr. Higginson's attempt had ended. Indeed, of the score who had promised him their aid, very few made their appearance.

The attempt at rescue was not only a failure in itself, but it seriously complicated subsequent efforts. "It was," wrote Edmund Quincy, "a gallant and generous attempt, but ill-advised and injudicious, under the circumstances"; for it

afforded just what the slave-hunter and his obsequious servitors desired, a good excuse for summoning the military to their aid, which they at once proceeded to do, by calling the marines from the Navy Yard, soldiers from Fort Independence, and the militia of Boston. Arrests were made by the Boston police. Among those arrested was Albert G. Browne, Jr., afterward Secretary to Governor Andrew and Reporter of the Supreme Court of Massachusetts. He was attempting to rescue Mr. Higginson, who had been wounded in the assault, and was in danger of falling into the hands of the officials.

The excitement produced by these occurrences not only extended outside the limits of the city, so that large numbers flocked from the surrounding towns to witness the unwonted scenes that were transpiring in its streets, but it was largely increased by several public meetings that were held during those eventful days. The New England Antislavery Society held its annual meeting; the Free Soil State Convention also met, and, it being "anniversary week," there was a large number of clergymen in the city, at whose meetings frequent mention was made of the subject. On the day preceding the rendition there was a special meeting of ministers to take into consideration the general subject thus forcibly brought to their notice. A committee was appointed to confer with others, and stirring speeches were made by Lyman and Edward Beecher, Professor Stowe, Samuel Wolcott, and others.

It was claimed that Burns, on the night of his arrest, had made fatal admissions. But he was kept closely guarded, and no one was allowed to see or speak with him. The next day, therefore, after the hearing had been postponed, Wendell Phillips went to the commissioner for an order directing the marshal to allow him to see the prisoner. After giving the order the commissioner, who had heard only one witness, said: "Mr. Phillips, the case is so clear that I do not think you will be justified in placing any obstacle in the way of this man's going, as he probably will"; and the result proved the correctness of his anticipation, premature and questionable as it may have been. At the trial, Burns was ably defended by Mr. Dana and Mr. Ellis. At the close of the trial, Mr. Dana congratulated the court,



the officers of the United States, and all concerned in the case, that the strange scenes they had witnessed were about to close. Referring to the brutal and infamous character of the marshal's special guard of more than one hundred men, taken mostly from the dens of vice, and whom the Boston "Atlas" denounced as the "dregs of society," "blacklegs and thieves," he said, that while violence and outrage reigned at and near the scenes of the trial and rendition, peace prevailed in other parts of the city. "The people," he said, "have not felt it necessary to lock their doors at night, the brothels are tenanted only by women; fighting dogs and racing horses have been unemployed, and Ann St. and its alleys and cellars show signs of a coming millennium." Of course this fitting characterization gave offence, and one of the guard waylaid and assaulted Mr. Dana on his return to his home in company with Mr. Burlingame. But the ruffian was afterward detected, convicted, and imprisoned under circumstances presenting an extraordinary story of "the involutions of crime and of poetic justice." Mr. Dana, in closing his plea, reminded Commissioner Loring that he was about to do an act which was to take its place in the history of America. "May your judgment," he said, "be for liberty, and not for slavery; for happiness, and not for wretchedness; for hope, and not for despair; and may the blessing of him that is ready to perish come upon you!" But the commissioner, who in this case certainly failed to give evidence that he "possessed the instincts of freedom and humanity," surrendered the unfortunate and unprotected fugitive to his claimant and to the horrors of recapture.

When this decision was made, Phillips, Parker, Dana, Ellis, and a few other antislavery men, took leave of Burns, whose tears expressed both his gratitude and sorrow. As soon as the rendition had been made, John C. Park draped his office in mourning. Some other lawyers followed his example. Six flags draped in mourning were flung from the Commonwealth building, and the venerable merchant Samuel May hung out from his store the flag, union down; Joseph K. Hayes, a Boston police officer, resigned his office rather than engage in the work of rendition.

Guarded by a large armed police and military force, Burns was taken through masses of excited and indignant citizens, and placed on board the revenue cutter *Morris*, ordered by President Pierce to take him to Virginia. A spectacle so sad and humiliating could not but excite feelings of indignation and deepen the popular abhorrence of a law which demanded and rendered possible such a deed. There can be no doubt that the rendition of Anthony Burns, with all the attendant circumstances, the superserviceable zeal of the Boston officials, and the unseemly alacrity of the President in ordering a national vessel to bear a single friendless man, of a proscribed race, back to that servitude from which he had so bravely but vainly striven to escape, largely contributed, in New England at least, to the overthrow of the politicians and parties that upheld the Slave Power.

When the procession, after passing through a continuous storm of contemptuous outcries and hisses, reached the wharf, Burns walked forward, surrounded by his guard and its piece of artillery, and went on board the vessel in waiting to bear him back to his prison-house of woe. Just at the moment when a body of resolute antislavery men, who had followed him to the wharf, had taken a last and sorrowful look of one whom they had vainly tried to save from the sad fate before him, the Rev. Daniel Foster,—who volunteered early in the war, became an officer, and fell fighting for his country,—with eyes and hands upturned, said in a voice sad and solemn: “Let us pray.” “Instantly, as by a common impulse,” says Dr. Henry I. Bowditch, who was present, “entire silence came over us, and this stranger poured forth a prayer that sunk deep into our hearts. He called on God, as our helper and as the giver of peace, to look upon us in our distress. He prayed for the poor slave and for the recreant republic. It is impossible to give any just idea of the effect produced upon us. Under the Divine influence, as I believe it to have been, one at least gained exceeding peace, and a determination that no slave-hunter should tread quietly the soil of Massachusetts.”

From the determination then and there formed came, a few days afterward, an organization known as the “Boston Anti-



man-hunting League," — a secret association, with its grips and passwords; its object being to protect the fugitive, if need be by kidnapping the kidnapper. It consisted of more than a hundred men, and was composed of lawyers, physicians, clergymen, literary men, merchants, men of ability, character, social position, and influence. Among them were Samuel May, then nearly eighty years old, Henry I. Bowditch, John A. Andrew, John L. Swift, Albert G. Browne, and his brother John W. Browne, an earnest, learned, and accomplished lawyer of Boston, a man of peace, but who had reached the conclusion that "we shall never free ourselves save by the sacrifice of blood." For eighteen months, this League was accustomed to meet once in two weeks to discuss and drill for their peculiar work. They did not arm themselves with firearms, but with "billies," now in possession of one of its members.

Their plan of operations combined both moral and material appliances. On the reception of information that kidnappers were around, some of their number were to be detailed to put themselves on their track, to take note of their movements, and to approach them with the purpose of inducing them, by stratagem or otherwise, by words of persuasion or intimidation, to relinquish their designs. But, if unsuccessful in this, they were to resort to force. To prepare themselves for this part of the programme, they were accustomed to drill themselves in the practice of seizing, holding, and hurrying away any one they wished to capture and remove. Even to such minuteness of detail did they reduce this drill, that the particular limb or part of the body was fixed upon, which each one should make the object of his special attention, and to which he should confine his movements. Considering the character of the men engaged, the religious tone and motives that marked and impelled some of them at least, there is something very suggestive in the purpose and details of those fortnightly drills; for their determination, as a last resort, to employ force impelled them, as wise and sagacious men, to make that force effective, and not to throw it away in random strokes and ill-directed movements. There was, therefore, presented the serio-comic spectacle of a company of cultivated men, occupy-



ing high social positions, leading the van of a great reform, discussing the fundamental principles on which it was based, law-abiding, yet fully recognizing the claims of a higher law, leaving for the moment the calm retreat of the school and the council to take lessons from the pugilist and wrestler, that they might put in concrete and the most effective shape the grand ideas of the reform they would carry forward. To such straits did the wise and good of those days who would obey the simplest principles of humanity feel themselves reduced by the unrighteous laws and the iniquitous legislation of the great Republic.

Indictments were found against Theodore Parker, Wendell Phillips, Mr. Higginson, Martin Stowell, John Morrison, Samuel T. Proudman, and John C. Cluer. They were defended by John P. Hale, Charles M. Ellis, William L. Burt, John A. Andrew, and Henry F. Durant. The magnitude and dignity of the cause were well sustained by the men employed for the defence. Mr. Hale, with a national reputation, then as ever ready to raise his voice for the slave and his defenders; Mr. Ellis, whose services were always freely given to the fugitive and his friends; Mr. Burt, a man of uncommon organizing ability, subsequently and for many years postmaster of Boston; Mr. Andrew, afterward governor of Massachusetts and distinguished for his war record; and Mr. Durant, who was for many years a successful lawyer of Boston, but who subsequently abandoned his profession and devoted himself and his large wealth to works of Christian beneficence, especially to the founding and endowment of Wellesley College, — these presented an array of legal ability and personal worth that could not but add strength to the defence already strong in the nature of the offence alleged and in the standing of the men indicted. By agreement the case of Mr. Stowell was first taken up, as substantially representing the others; and on a motion to quash the indictment, Mr. Burt made the points and addressed the court. The district attorney having replied to the argument for quashing the indictment, Mr. Hale was to respond. But Judge Curtis intimated that there was no need of such response, and the writ was

quashed, as were those against the others, and all the cases were dismissed.

The action of Judge Loring excited a deep feeling of dissatisfaction throughout the State, which soon manifested itself in various forms. Having been elected to a professorship in Harvard College, his name came before the Board of Overseers, of which the Massachusetts Senate formed a part; but, in consequence of this widespread dissatisfaction and of the political revolution which had just swept the State, he was rejected. Petitions were then sent to the legislature, signed by several thousand names, praying for his removal from his office as judge of probate. These petitions were referred to the proper committee, which gave the subject a thorough hearing and examination. Webb, Parker, Phillips, and Ellis appeared for the petitioners, Mr. Dana, for public reasons, opposed the memorial. The committee reported an address to the governor in favor of the prayer of the petitioners, which the House adopted by a vote of two hundred and seven to one hundred and eleven, and the Senate by a vote of twenty-eight to eleven. The governor's council, by a vote of seven to two, also approved it; but Governor Gardner refused to grant the prayer. This action of the governor did not satisfy the people of Massachusetts; and after the inauguration of Mr. Banks, in 1858, the legislature adopting a similar address, the new executive responded by his removal. But the same action which rendered him odious to the people of Massachusetts commended him to the confidence of the slaveholders, and to the favor of the national administration. He was nominated by President Buchanan to the office of judge of the Court of Claims, and promptly confirmed by the Senate, though strenuously opposed by the Massachusetts Senators.

In the spring of 1854, Joshua Glover was seized at Racine, Wisconsin, taken, chained and bleeding, to Milwaukee, and lodged in prison. The people of that city feeling outraged by the brutality and indignant at the cruelty exhibited, a public meeting was held, a vigilance committee appointed, and counsel volunteered to defend the alleged fugitive. About one hundred men went from Racine, marched to the prison,



where they were joined by citizens of Milwaukee, and made a demand for him. This being denied, he was taken by force, carried back to Racine, and sent to Canada. This rescue was made the occasion of a decision of the judicial tribunals of Wisconsin, denying the constitutionality of the Fugitive Slave Act, which excited deep and widespread interest and hope.

Several who assisted in the rescue were arrested for resisting a public officer in the discharge of his duty. Among them was Sherman M. Booth, an editor of the city. A writ of *habeas corpus* was sued out in his behalf, which was granted by Judge Smith, on the ground that the Fugitive Slave Act was unconstitutional. An appeal was taken before the full bench of the Supreme Court, Judge Vinton presiding, by which the decision of Judge Smith was confirmed. The principal grounds for this decision were, in the words of the judge, "that the Constitution of the United States confers no power upon Congress to legislate upon the subject of the surrender of fugitives from labor; that the act in question attempts to confer judicial power upon commissioners, not upon courts; and that, by virtue of the act, a person may be deprived of his liberty "without due process of law." To the objection that the Supreme Court of the United States had declared the act of 1793 constitutional, which was not, it was claimed, "distinguishable in principle" from the act of 1850, the court expressed the opinion that they were not "in all respects alike in principle, or even similar." The two acts "differ essentially," the court contended, "in the manner in which the surrender is to be effected." It also affirmed that, in referring to the commissioners the decision of the fact whether the person claimed was or was not a fugitive from service, the act was repugnant to the Constitution, because it attempts to confer upon these officers judicial power, and because it is a denial of the right of the alleged fugitive to have those questions tried by a jury.

Although this decision was hailed with delight by the fugitive and his friends, and much was hoped from it, shedding, as it did, a momentary light upon that dark hour, yet it never gained, to any great extent, the popular indorsement



as a true exposition of the Constitution. It was never reaffirmed by the Supreme Court of the United States, nor were there any similar decisions by any of the State courts.

Mr. Booth and several others were indicted in the District Court of the United States, tried, and convicted. Mr. Booth and Mr. Rycraft were sentenced to fine and imprisonment, and committed to jail. The people were intensely excited. A writ of *habeas corpus* was issued by the Supreme Court, then at the capital of the State. That court unanimously ordered their discharge, and they were escorted to their homes in triumph.

In January, 1856, Simon Garner, his wife Mary and son Robert, slaves of John Marshall, and Margaret, the wife of Robert, and four children, slaves of A. R. Gaines of Kentucky, left their masters, crossed the Ohio upon the ice, and found refuge in the house of a colored man, near a place called Mill Creek Bridge, in Cincinnati. Gaines traced them to their place of concealment, procured a warrant from a United States commissioner, secured the services of a deputy marshal and assistants, and went to the house to arrest the fugitives. Attempting to force an entrance, one of the party was shot and badly wounded by Robert Garner, who, with his wife, fought desperately; but they were overpowered. One of the children was found dead, two others were bleeding from severe wounds on the throat, and the fourth, a mere infant, was bruised in a most shocking manner. The frantic mother had sought to save her children from slavery by taking their lives. That desperate act excited the deepest horror, and secured for these victims of oppression the warmest sympathy, but the efforts made to save this heroic family were unavailing.

Judge Burgoyne issued a writ of *habeas corpus*, and a grand jury brought in a true bill against Margaret Garner for the death of her child, and against her husband and his father as accessaries. But the laws and courts of Ohio were powerless in the presence of the Fugitive Slave Act and of the exigencies of slavery. Mr. Jolliffe, a veteran antislavery lawyer, labored with untiring but unavailing zeal and tact to save them. They

were remanded to the custody of the claimants, taken back to Kentucky, and sent down the river. While being borne away to hopeless servitude, the mother accidentally fell, or purposely jumped, into the river. She was saved, but her child was lost; and the wretched woman expressed her thankfulness that the child was at last set free.

These executions of the Fugitive Slave Act were ever marked with deception, falsehood, and brutality. They who engaged in its enforcement seemed to be demoralized by it, from the hired assistants of deputy-marshals up to the highest judicial officers. Judges, district attorneys, and marshals often added to the terrible severities of this abhorrent law their coarse and indecent words and deeds. This was signally illustrated by Judge Grier of the Supreme Court of the United States. Deputy-Marshall Wyncoop and his assistants, in an attempted slave case at Wilkesbarre, in Pennsylvania, were accused of abominable cruelty, and were arrested on a warrant issued by a local magistrate. A writ of *habeas corpus* was at once sued out in their behalf, returnable before Justice Grier. They were discharged, and this justice of the highest judicial tribunal in the land, in ordering the discharge made use of this strong and strange language: "If *habeas corpuses* are to be taken out after this manner, I will have an indictment sent to the United States grand jury against the person who applies for the writ or assists in getting it, the lawyer who defends it, and the sheriff who serves the writ, to see whether the United States officers are to be arrested and harassed whenever they serve a process of the United States." The spirit, temper, and manners of this language exhibited the pernicious influence over those called upon to enforce a statute in which wickedness itself had been organized and clothed with the prerogative of national control. Of his course on this occasion the New York "Evening Post" fitly said: "Judge Grier bears so strong a likeness to Jeffries in his behavior on the bench, whenever a matter touching the Fugitive Slave Act comes before him, that on reading a report of the proceedings, one might imagine himself reading an account of what happened under the latter Stuarts."

A case arose in Philadelphia in July, 1855, that revealed the readiness of some judicial officers at least to become the instruments of the Slave Power. John H. Wheeler of North Carolina, United States minister to Nicaragua, passed through Philadelphia with three persons whom he claimed as slaves. By judicial decision this slave woman and her children, having been brought into the free State of Pennsylvania, were free. Passmore Williamson, acting for the Pennsylvania Abolition Society, went on board the boat, about to cross the Delaware, and informed her that she and her children were no longer slaves. She took them and started for the wharf; but Wheeler seized her and attempted to prevent her landing. Some colored persons took the children ashore, and Williamson held Wheeler until the mother escaped. Wheeler then petitioned Judge Kane for a writ of *habeas corpus*, to be directed to Passmore Williamson, for abducting and retaining his slaves.

The writ was granted, and Williamson responded that these persons were not in his custody or power. In the preliminary examination Judge Kane took occasion to say that the "conduct of those who interfered with Wheeler's rights was a criminal, wanton, and cruel outrage." He assumed that a "violent abduction of 'slaves' had been made by Williamson, 'assisted by a mob of negroes.'" He passionately and harshly declared that Williamson was the only white man in that act of violence who could "interpret either his own duties or the rights of others under the Constitution of the land; and that he had chosen to decide for himself upon the lawfulness as well as the moral propriety of his acts." He said that he knew of no statute of Pennsylvania to divest of the rights of property a citizen of North Carolina because he had found it needful to pass through the State; nor was he aware, if any such statute existed, that it could be recognized as valid in the courts of the United States. As Williamson could not produce the persons, he was committed for contempt of court, because he did not and could not answer the writ to the satisfaction of Judge Kane, and consigned to prison. It was clear that his real offence consisted in his assumption that slavery could not exist in Pennsylvania; and he was imprisoned for



an honest and manly refusal to acknowledge that his action, in accordance with that belief, was a crime.

Mr. Williamson sought relief from the Supreme Court of Pennsylvania. His counsel appeared before the full bench of judges at Bedford, and presented his petition for a writ of *habeas corpus* to bring him before that court. His counsel, Hopper, Gilpin, and Meredith, were lawyers of learning, high reputation, and social position. They maintained that a person held as a slave in one State and voluntarily carried by his owner into another State is not a fugitive within the meaning of the Constitution; that he was subject to the laws of the State into which he had been carried; that by the law of Pennsylvania a slave brought into the State is free; that the judge of the district court had no color of jurisdiction; and that the commitment of Williamson for contempt was "arbitrary, illegal, and utterly null and void." On the 17th of August, Mr. Gilpin and Mr. Meredith addressed the court at great length and with signal ability. Maintaining that it was its right and duty to vindicate the authority and dignity of Pennsylvania, which had been invaded and its jurisdiction ignored, they demanded that Williamson should be restored to his liberty. But their application was refused, a majority of the court saying that the petitioner "carries the key of his prison in his own pocket. He can come out when he will by making terms with the court that sent him there. But if he choose to struggle for a triumph, if nothing will content him but a clean victory or a clean defeat, he cannot expect us to aid him. Our duties are of a widely different kind. They consist in discouraging, as much as in us lies, all such contests with the legal authorities of the country."

Justice Knox did not concur in this opinion. He maintained that if a slave, brought into a free State, escaped from the custody of his master while in that State, the right of the master was not a question arising under the Constitution or laws of the United States; and that a judge of the United States could not issue a writ of *habeas corpus* directed to one alleged to withhold the possession of a slave from the master, commanding such person to produce the body of the slave

before the judge. He expressed, too, the opinion that this action of the court was "the first recorded case where the supreme court of a State has refused the prayer of a citizen for the writ of *habeas corpus*, to inquire into the legality of an imprisonment by a judge of a federal court for contempt in refusing obedience to a writ void for want of jurisdiction."

Notwithstanding the efforts of eminent lawyers, Williamson was held in prison by the arbitrary and obstinate action of Judge Kane. The next effort in his favor was made by Jane Johnson, the woman who escaped with her children. She, with her counsel, Joseph B. Townsend and John M. Read, — the latter one of the most eminent lawyers of the country, — appeared before Judge Kane on the 3d of October, and declared that she and her children were not at the time of her release from the custody of Wheeler, nor had they been since, in the power or control of Williamson. She prayed that the writs taken out by Wheeler, who had sought to reduce her and her children again to slavery, should be quashed, and that Passmore Williamson should be discharged from imprisonment. During the hearing, this judge gave his sanction to the doctrine that slaveholders could bring their slaves into a free State and hold them there as slaves. He denied in the strongest terms that the statutes of a State could deprive a slaveholder of that right; and he went so far as to base it on the law of nations. "How can it be," he exclaimed, "that a state may single out this sort of property, among all the rest, and deny to it the right of passing over its soil, — passing with its owner, parcel of his travelling equipment; as much so as the horse he rides, or his coat, or his carpet-bag?" This indiscriminate mingling of human beings with horses, clothing, and carpet-bags indicated and illustrated the man and the judge.

In this case, the judge gave full credence to the allegations of Wheeler and his witnesses, but gave little consideration to the positive testimony of Williamson or of Jane Johnson. He intimated, however, incidentally, that Williamson's duty was to declare under oath what had become of the alleged slaves, and whether or not they had passed beyond his

control. Acting upon this suggestion, his counsel again sought to procure his release. Early in November, upon Williamson's stating, at the suggestion of the judge, that he did not seek to obey the writ by producing the persons because he believed it was entirely impossible for him to do so, he was discharged from this arbitrary arrest and cruel imprisonment, which, wicked and wanton as it was, had been borne with patience, fortitude, and courage.



## CHAPTER XXXIV.

### PROPOSED SUPPLEMENTARY LEGISLATION TO THE FUGITIVE SLAVE ACT.

Rigorous execution of the Fugitive Slave Act. — Indignant protests. — Counter legislation. — Toucey's bill. — Its real purpose. — Characterization by its opposers. — By its advocates. — Not a question for argument. — General debate. — Antislavery speech of Mr. Gillette. — Proslavery speeches of Jones and Pettit. — Speech of Mr. Wilson. — Speech of Mr. Wade. — Too confident predictions. — Speeches of Mr. Seward and Mr. Sumner.

It could never be said of the Fugitive Slave Act, as of some laws, that it was enacted "for show rather than use." From the first it was executed with inexorable pertinacity of purpose and with merciless severity. Cruel as were its cunningly devised and carefully considered provisions, its practical administration was still more cruel. Like slavery itself, it seemed to poison everything it touched, to communicate the venom with which it was so thoroughly infused to nearly every person who undertook its execution, and impel the far larger number, at least, from the judge on the bench to the humblest deputy or turnkey, wantonly to wound and needlessly to outrage the sensibilities and religious convictions of the community. This naturally and necessarily intensified the indignation and alarm that pervaded the free States, and found expression in the earnest protests of the pulpit and press, in the resolutions and speeches of public meetings, in the action of ecclesiastical bodies, but more significantly still in the formal and authoritative enactments of Northern legislatures. The personal-liberty bills and other laws, enacted in some States, and sought to be enacted in others, revealed the deep impression which this iniquitous measure had made upon the public mind.

This drift of Northern sentiment and action alarmed the

slaveholders, who determined — though on the heel of the closing session of the XXXIII<sup>d</sup> Congress, with its accumulated press of business — to introduce and force through a measure which should in reality supplement the Fugitive Slave Act, and circumvent, if possible, this unfriendly legislation of the Northern States. A Northern member was sought, and readily found, to introduce into the Senate a measure to render still more oppressive the law, more humiliating Northern vassalage, and, though coming from men loudest in their advocacy of State rights, to ignore more completely than ever before the authority of State laws, and to limit the jurisdiction of State courts. Mr. Toucey of Connecticut, in February, introduced a bill “to protect officers and other persons acting under the authority of the United States.” Neither in the bill itself, nor in his remarks on its introduction, did he allude to the Fugitive Slave Act. With seeming innocence of all ulterior purposes, he expressed the conviction that no one who “acknowledges that this government has judicial power” could “take any valid exception to it”; his purpose being, not “to enter upon any discussion of this bill, but merely to state its operation and effect.”

The discussion, however, to which it gave rise, afforded abundant evidence that it was not regarded, by friend or foe, the harmless measure it was represented by its mover. Not only did the Free Soil members tear off the covering of legislative phraseology, showing that under the garb of parliamentary and general language it had a specific purpose that was anything but general, but its supporters showed that it meant still aggressive warfare, and nothing less. Indeed, the debate, though short and sharp, revealed — better than any of the session, perhaps — not only the depth of feeling and purpose which animated and impelled the contestants, but also the stage in the great conflict which they had reached. Mr. Chase was the first to speak, and to note the promptness with which the bill was taken up, as only a new proof of the favor with which every proposition in the behalf of slavery was received, “no matter with what prejudice to the public business and the public interests.” The same thought was felici-

tously presented by Mr. Seward. Alluding to the coincidence that he arose at the same time with the mover of the bill, with a proposition in his hand for the erection of a monument to Thomas Jefferson, he said: "The success which the honorable Senator from Connecticut obtained over me when the floor was assigned to him was ominous. The Senate of the United States will erect no monument to the memory of Jefferson, who declared that, in the unequal contest between slavery and freedom, the Almighty had no attribute which could take part with the oppressor; but the Senate will, on the other hand, promptly comply with the demand to raise another bulwark around the institution of slavery."

Concerning the proposed bill, Mr. Chase said: "It is framed in the interests of the ruling class. Its object is to secure the stringent execution of the Fugitive Slave Act. . . . It is a bill for the overthrow of State rights, — to establish a great central, consolidated, Federal government, — a step, a stride rather, toward despotism; . . . this further legislation, necessary to the complete humiliation of the States." Alluding to the same point, Mr. Seward said: "You demand a further and a more stringent law. The Federal government must be armed with new powers, subversive of public liberty, to enforce the obnoxious statute. This bill before us supplies those new powers." Mr. Wilson of Massachusetts, who had just entered the Senate, said: "I believe the bill is intended to enforce an unconstitutional and arbitrary law, and for no other purpose whatever, and to prevent, if possible, the influences now at work in the free States for the protection of the liberties of their own citizens."

Mr. Fessenden, always moderate and conservative on questions concerning slavery, said he understood its object, how it had come there, and why it had come there. "It is admitted," he said, — "there is no dispute about it, — that it is intended solely and simply to deprive the courts of the several States of any and all power on any question arising under the Fugitive Slave Act." He said also that "it had been brought in for a single purpose, brought in at the close of the session, and sprung upon us to be carried through by party machinery." James Cooper of Pennsylvania, who had been a conservative



Whig and never identified with the antislavery cause, spoke briefly but decidedly in condemnation of the measure. He said it reflected "unjustly upon the integrity of the State tribunals," and he enumerated several particulars in which it would "violate the rights of the citizens of the States in a most essential manner."

On the part of the supporters of the bill there was little or no attempt to conceal its purpose. Mr. Douglas admitted its alleged object, and expressed surprise that any one should deem it an objection that it was designed to aid in the execution of the laws of the United States. Referring to the objections made to the Fugitive Slave Act on the score of humanity, he cited the clause of the Constitution requiring persons held to service to be delivered up, and said that if a person desired to be faithful to the Constitution, he must regard this requirement. "The moment," continued he, "my conscience will not allow me to be faithful to the Constitution, I will refuse to degrade myself or perjure my soul by coming here, and, for the sake of a seat in the Senate, swearing I will be faithful to the Constitution, when I intend to violate and repudiate it."

Mr. Benjamin, after referring, at some length and with some minuteness of detail, to the course of events in the Northern States, declared that they were "directing their legislation," and that their "courts of justice were perverting their jurisprudence," against the Constitution and the rights of the States; that the idea of nullification had changed its locality; and that "South Carolina is now taken into the arms and affectionately caressed by Ohio, Vermont, Michigan, Wisconsin, and Connecticut." "The whole course of Northern legislation for the past few months," he said, "has been a course of direct war with the South, and the bill now before the Senate is a measure, not of aggression, but of defence." Mr. Bayard of Delaware from the committee which reported the bill, besides defending the constitutionality of the proposed law, argued in its favor, because he "believed the necessity for it had arisen in consequence of the action of several States of the Union, unless we were prepared to abandon the enforcement of the laws of the United States." Besides this general character-

ization of the bill by those who opposed and those who advocated its passage, there was little of argument for or against it. Nor could there well be ; for it was not a question which admitted of much argument, other than the argument of force. It was, in fact, a simple matter of might, to be forced through the forms of legislation by "the machinery of party" ; and the only questions considered by the authors of the measure were whether the exigencies of slavery required it and whether they could dragoon Congress into its support. The debate therefore naturally widened into a general discussion of slavery in some of its various forms and aspects, and in that view was exceedingly earnest and able.

Mr. Gillette made a very elaborately prepared and eloquent antislavery speech. Sketching the history of the proslavery legislation of the government in its successive acts from the start, he quoted from Caleb Cushing an expression of the historic fact "that in its industrial, financial, and political relations slavery is at the bottom of all the action of Congress." He also cited the language of John Quincy Adams, that "slavery constitutes the very axle around which the administration of the national government revolves. All its measures of foreign or domestic policy are but radiations from that centre." He quoted from the slave code of the District of Columbia, and noted some of its more barbarous statutes, and spoke of the moral influence of the general government thrown around slavery by such exercise of national authority in its behalf. He spoke of a law, which the slave was forbidden to read, but which condemned him, if guilty of its violation, to have his hand cut off, be hung, beheaded, and quartered, and to have each fragment of his body hung in the most conspicuous places ; for stealing five shillings' worth of goods he should suffer death without benefit of clergy ; for striking a blow, even in defence of life or chastity, to have his or her ear "cropt" ; and for giving false testimony against a white person, to have "both ears cropt and thirty-nine stripes on the bare back." Alluding to the firing of cannon north of the Capitol, on the night of the repeal of the Missouri compromise, he said "it heralded the resurrection of Liberty from her in-

glorious sleep," while "in the lurid flash of those cannon slavery might have read the handwriting of its doom upon their walls, and heard in their roar its echoing dirge." American Democracy," he said, "is looked upon as a huge, one-eyed, gigantic monster — a modern Polyphemus — sporting the cap of liberty on his head, and mouthing the pæans of victory on his tongue, while he stalks ruthlessly over men and treads them down as worms."

Mr. Jones of Tennessee followed in a vituperative speech in which he stigmatized Mr. Gillette and those who sympathized with him as "a little band of traitors," who were "treacherous" to their country. Referring to the alleged equality of mankind, he inquired whether Senators were quite prepared to welcome colored members into the Senate, confirm colored men for office, invite them to their tables, walk Pennsylvania Avenue with a colored woman on their arm, or see their children married to persons of color. Mr. Pettit of Indiana in a similar strain, though more roughly, scouted the idea of such equality. After saying that you might as well expect "all fowls to become eagles," "all beasts to become lions," "wild prairie grass to become timothy or clover, all trees mountain oaks," "the braying ass to roar like the monarch of the forest," and the "boding owl" to gaze on the sun "like the proud bird of Jove," as for the black man to become the equal of the white man, he added: "I hold that, by the written and unwritten law of God and nature, these men, when placed in contact with us, either by design or accident or by fatuity, are to be the inferior race"; and he proclaimed it to be his "solemn judgment" that "slavery was their proper condition."

Mr. Wilson followed. Referring to the "extraordinary language" used by the Senator from Tennessee toward Senators from his "section of the country," he said: "That Senator may, if he chooses, class me with 'the little band of traitors,' for I assure him, the Senate, and the country, that I shall not shrink, in this hour of their weakness, from standing side by side with men who, amid obloquy, sneers, and reproaches, have faithfully and fearlessly vindicated the



sentiments of the freemen whose representatives they are." Directing attention to the argument of Mr. Pettit on "the inferiority of the African race," though he did not claim for it "intellectual equality," he said he did demand equity and fair dealing. "But, sir," he added, "suppose the Senator from Indiana succeeds in establishing the inferiority of that despised race, is mental inferiority a valid reason for the perpetual oppression of a race? Is the mental, moral, or physical inferiority of man a just cause of oppression in republican and Christian America? Is this Democracy? Is it Christianity? . . . . If the African race is inferior, this proud race of ours should educate and elevate it, and not deny to those who belong to it the rights of a common humanity."

But there was no voice that rang through the Senate chamber, on that excited afternoon and night, in tones more demonstrative and defiant than did that of Benjamin F. Wade. Perhaps misinterpreting somewhat recent Northern victories, and too confident, as the event proved, in the prompt and persistent action of the people in condemnation of the new policy of the propagandists, he arraigned the supporters of the bill and kindred measures at the bar of public opinion, and predicted the speedy overthrow of men and parties who had contributed to their enactment in tones and terms which subsequent history hardly sustained. "In consequence of your action last winter," he said, "in breaking down that sacred compromise, men in the State of Ohio ceased to be either Whigs, Democrats, or Free-Soilers. The old parties crumbled to the dust as though stricken with the palsy." Again, speaking of State legislatures "preparing themselves for a legal and constitutional resistance" to the Fugitive Slave Act, he said: "Ay, sir, the State of Wisconsin has taught you a lesson, and it is only an incipient step. I envy that State the glory of taking the initiative in the great work of vindicating the Constitution from such a measure as the Fugitive Slave Act. State after State, as they take the subject into consideration, will fall in the wake of noble Wisconsin, and carry out what she has so gloriously begun." The Constitution has indeed been vindicated, and the Fugi-

tive Slave Act has become a dead letter, but not in the way and by the means the too sanguine Senator predicted or forecasted. During the debate a sharp colloquy sprang up between Mr. Wade and Mr. Douglas concerning the relative influence of anti-Nebraska and Know-Nothing sentiments on the administration reverses of the then recent elections.

Mr. Fessenden spoke in a similar strain, telling the friends of the measure that they mistook "the temper of the Eastern people," who, he said, would "find some way within the limits of the Constitution to protect the rights of our fellow-citizens." Referring to a remark of Mr. Wade that he was not an "agitator," he said that "on a question of right, a question of justice, a question affecting the interests and feelings of my constituents, I am an agitator, I will agitate such a question. It is my duty so to agitate; and I am not to be silenced by the mere declaration that I am disturbing the country."

Mr. Seward, as ever, spoke ably and eloquently on the same side. Alluding to the protracted session and the near approach of the midnight hour, with the attending excitement, like the scenes preceding and attending the compromise measures of 1850, and the abrogation of the Missouri compromise in 1854, he presaged a similar disaster to liberty now, and suggested that, perhaps, "the teeming gun, which proclaimed those former triumphs of slavery, is already planted under the eaves of the capitol to celebrate another victory." He described, with forensic force of allusion and language, the excitements of the hour and the spectacle before him. "The scene before me and all its circumstances and incidents admonish me," he began by saying, "that the time has come when the Senate of the United States is about to grant another of those concessions which have become habitual here to the power of slavery in this Republic. For the second time in a period of nearly three months, the brilliant chandelier above our heads is lighted up; the passages and galleries are densely crowded; all the customary forms of legislation are laid aside; the multifarious subjects which have their rise in all parts of this extended country are suddenly forgotten

in a concentration of feeling upon a single question of intense interest. The day is spent without adjournment. Senators, foregoing their natural relaxation and refreshment, remain in their seats until midnight approaches." He analyzed the bill, characterized it as an innovation, a new thing unknown in the laws of the country, by which the citizen "shall have only a single safeguard instead of that double panoply which has hitherto shielded him," and for which "there is no necessity or shadow of necessity; . . . saving the Union at a fearful cost." Declaring that all this trouble arose from the Fugitive Slave Act, he said: "I look with sorrow but with no anxiety on this state of things. I abide the time and wait for the event." He closed his eloquent and impressive speech with this vigorously expressed admonition and counsel: "If you wish to secure respect to the Federal authority, to cultivate harmony between the States, to secure universal peace, and to create new bonds of perpetual union, there is only one way before you. Instead of adding new penalties, employing new agencies, and inspiring new terrors, you must go back to the point where your mistaken policy began, and conform your federal laws to MAGNA CHARTA, to the CONSTITUTION, and to the RIGHTS of MAN."

Mr. Sumner closed the debate. "On a former occasion," he said, "as slavery was about to clutch one of its triumphs I arose to make my final opposition at midnight. It is now the same hour. . . . It is hardly an accidental conjunction which thus constantly brings slavery and midnight together." He proceeded to show the unconstitutionality of the Fugitive Slave Act, the sad inconsistency of Congress in allowing South Carolina to imprison colored seamen, notwithstanding the clause giving the citizens of one State the same privileges and immunities in all others, and yet enacting this barbarous act because the Constitution required that persons held to service in one State, escaping into another, "should be given up." Such discrimination for slavery and against freedom was unworthy, he said, of the nation. He eloquently and with fitting words rebuked the impudent demand of the South "to be let alone," by tracing the series of slaveholding ag-



gressions, beginning almost with the first inauguration of the government and culminating with the bill under discussion. Pointing out the insincerity of the demand, on the part of the South, he interposed for the North a similar request. "Yes, sir," he said, "let us alone. Do not involve us in the support of slavery. Hug the viper to your bosoms, if you perversely will, within your own States, until it stings you to a generous remorse, but do not compel us to hug it too; for this, I assure you, we will not do." He then moved an amendment repealing the Fugitive Slave Act; but it received but nine votes, when the main bill was passed by a vote of thirty to nine, though a vote was not taken upon it in the House.

## CHAPTER XXXV.

### THE KANSAS STRUGGLE.

The Kansas-Nebraska Act not an abstraction. — Its real object. — Purpose and plan to make Kansas a slave State. — Co-operation. — Southern associations. — Eli Thayer. — New England Emigrant Aid Society. — Town of Lawrence. — Raid from Missouri. — Andrew H. Reeder. — Election ordered. — Frauds. — Border-ruffian policy. — Open and shameless avowals. — Atchison and Stringfellow. — Resistance of free State men. — Topeka convention. — Constitution. — XXXIVth Congress. — President's message. — Governor Reeder's memorial. — Long debate. — Investigating committee. — Wilson Shannon. — His indorsement of the proslavery policy. — Murder of Dow. — Rescue of Branson. — Call on the governor for troops. — Slight response from Kansas. — Large numbers from Missouri. — Characterized. — Outrages. — Agreement between the governor and the people of Lawrence. — Proslavery disappointment. — Letter of Atchison. — Appeals to the South. — Senate. — Resolutions of Hale, Wilson, and Jones. — President's message. — Speeches of Wilson, Hale, Douglas, and Collamer. — Meeting of free State legislature. — Douglas's report. — Collamer's minority report. — Douglas's bill. — Friends of freedom determined.

THE Kansas-Nebraska Act was no mere abstraction. Though its most prominent and persistent advocates, in their noisy clamor and claim in its behalf, pleaded chiefly its vindication of the principle of local self-government, it soon became apparent that its ultimate purpose occupied a far higher place in their regard. Slavery, and not popular sovereignty, was the object aimed at. A practical result, and not the simple enunciation of a theory, however true or important, had been the animating motive of a crusade that rested not with the triumphs already achieved. Calculating that this action of Congress and the close contiguity of slaveholding Missouri, with such co-operation as the known sympathy of the other slaveholding States would afford, could easily throw into Kansas a sufficient population to give to slavery the necessary preponderance, the slave propagandists regarded their victory in the halls of legislation as tantamount to the final

success of their deep-laid schemes. For these schemes had been long and deeply laid. For years had the slaveholders of western Missouri, the real seat of the Slave Power of that State, and their ready servitors at Washington, regarded with special interest the future possibilities of the territory that lay upon its borders. Fearing that it was lost to slavery, they determined that freedom should not profit by it. They therefore encouraged the plan of devoting it to reservations for Indians, and several treaties to that effect were secured. The agents of the government were in both sympathy and complicity with this general scheme and purpose. Even professed ministers of the gospel entered into the movement; and the mortifying fact is on record that the first slaves which were introduced into Kansas were taken by a Methodist missionary. When, therefore, Congress had been dragooned into the adoption of the Kansas-Nebraska Act, with its newly invented and much vaunted doctrine of popular sovereignty, it was supposed that the long-cherished plans of the slaveholders were to be realized, and that it was only a question of time when Kansas should become a slave State. For it did not seem to enter their minds that the plighted faith of the nation to these Indians constituted an obstacle to the realization of their schemes, or that it could long stand against exigencies that had coerced the Federal government, and made it prove false to its solemnly recorded promises. But they miscalculated. They did not fully comprehend the forces which freedom had at command, nor the purposes of Providence concerning the nation.

The adoption of the Kansas-Nebraska Act, the debates preceding, and the widespread discussions attending it, produced a profound impression throughout the land. The North was not only aggrieved and indignant at its gross breach of faith, but it was alarmed. The Slave Power had shown itself ready to oppress not only the blacks but the whites, to crush not the hitherto prostrate race alone, but the nation as well. Patriotism no less than philanthropy, self-preservation no less than humanity, demanded action. The government had proved faithless; it behooved the friends of freedom to cast about for other help. Nor was it a forced conclusion that, if the gov-



ernment could not be trusted, and the compromises, hitherto deemed sacred, had become a thing of naught, such resources as were within reach should be made available, and that the dogma of popular sovereignty, though designed to strengthen slavery, should, if possible, be made to inure to the cause of freedom. As this was the only alternative left the North, in fealty to its own interests as to those of others, it accepted, in the language of Mr. Seward, a trusted leader, the gage of battle: "Come on, then, gentlemen of the slave States! Since there is no escaping your challenge, I accept it on the behalf of freedom. We will engage in competition for the virgin soil of Kansas, and God give the victory to the side that is stronger in numbers, as it is in right."

The purpose to make Kansas a free State and the systematized efforts to carry that purpose into effect mark an important era in the progress of the slavery struggle. It was a deliberate and successful stand made by the friends of freedom against the aggressions of the Slave Power. This and the election of Mr. Banks Speaker of the House of Representatives during the next year indicated somewhat its loosening grasp, under the vigorous blows of its fresh antagonists. But it was a purpose that foretold a fearful contest, fierce encounters, and bloody strifes. No summer clouds ever met in mid heaven more heavily surcharged with elements of storm and danger. Neither party fully comprehended the magnitude and violence of the struggle on which they were entering. Each was ignorant of the strength the other would exhibit; and each was unaware of the power of assault or resistance itself could and did develop. Had either fully apprehended the severity of the conflict on which it was entering, there might have been hesitation. Once committed, however, there seemed to be no other alternative but to advance till the superior force or tact of the one compelled the other to desist. Both resorted to the policy of combination, though the means relied on were as unlike as the ends in view. The "Blue Lodges" and "Sons of the South," which were formed in Missouri and other slaveholding States, had for their object the making of Kansas a slave State. The "Emigrant Aid" socie-

ties of New England, though freedom in Kansas was one object, had others which, with their methods, were indicated by their name. Their purpose and plan were to "aid" those who would procure lands and make for themselves homes in the new Territory. They contemplated only peaceful modes, though the emigrants themselves were, of course, compelled to resort to such means of self-defence as the "border ruffian" policy rendered imperative.

The New England Emigrant Aid Society, the first and most prominent of these free State organizations, originated with Eli Thayer of Worcester, Massachusetts, a member of the legislature of that State, in the winter of 1854. Preparing a charter, he procured an act of incorporation in February of that year. Immediately on the adjournment of that body, he entered upon the work, in which he was greatly aided by Amos A. Lawrence and J. M. S. Williams of Massachusetts, and John Carter Brown of Rhode Island. Success crowned his labors, the association was soon organized, and on the 19th of July he started with a company of twenty-four for that far-off land. As the successful working up of his plan required his presence at the East, he accompanied them only as far as Buffalo. Charles H. Branscomb, having been appointed agent for the company, had preceded the pioneer colony, and was then in the Territory. To him Mr. Thayer sent a letter of instructions, directing him to take the colony through the Shawnee reservation, and to locate it on the first good town site west thereof, and on the southern bank of the Kansas River. In obedience to these instructions, he made the sagacious selection of the site of the present city of Lawrence; and on that spot this advanced guard of freedom's forces actually pitched their tents, on their arrival in Kansas, in July, 1854.

In two weeks another colony of seventy came. With their New England outfit was a steam saw-mill. The new-comers entered in earnest upon the work of making themselves a home on that inviting spot, and soon their canvas tents gave place to more substantial structures. Among the members of the second company were Dr. Charles Robinson and Samuel C. Pomeroy, the one becoming the first governor under the

free State constitution, and the latter subsequently a member of the United States Senate.

This organized effort of free State men, the fact that they had formed a settlement, and that the town of Lawrence had actually taken form and name, produced a marked impression both North and South. At the North, it kindled anew hopes which the course of events had wellnigh extinguished. Even the possibility of checkmating the foes of freedom in the desperate game on which they had staked so much, and that, too, by the very "moves" which they had proposed for themselves and which by so doing they had suggested to others, gave courage and stimulus to many in the free States to enter upon this new line of effort, and thus practically to aid in solving the great problem that seemed to defy all other solution. Not only did several additional colonies go from Massachusetts and the other New England States, but similar colonies were formed in the States of New York, Pennsylvania, and Ohio. To this work Mr. Thayer devoted himself with tireless energy and unceasing effort. Fully impressed with the idea that the free States had the power to secure, in this way, freedom to the Territories, he travelled sixty thousand miles, and made hundreds of speeches, enunciating these views, and calling upon the people to join in this grand crusade.

But these movements in the free States, with their purpose and plan, so openly and boldly proclaimed, to gain for freedom what the slaveholders had so confidently regarded as insured to them by the passage of the Kansas-Nebraska act, greatly incensed and alarmed them. They immediately set about an effort, not only to prevent the permanent settlement in Lawrence, but to arrest any further attempts in a like direction. Accordingly, while the Eastern settlers were still in tents, a band of two hundred and fifty Missourians marched into the place and took positions on the opposite side of a ravine, and demanded that "the Abolitionists" should take away their tents and immediately leave the Territory. This demand was made and repeated several times, but it was as firmly refused, though the last summons was coupled with the threat that, unless it was complied with in "ten minutes," they should be



attacked and moved away at the point of the bayonet. The firmness of the free State men and lack of harmony among themselves prevented the execution of the raiders' threat, and they retired vowing vengeance, and only waiting for a more definite plan of operations to renew the attack. Indeed, that wordy but bloodless encounter was the beginning, the precursor, of a systematic and sanguinary assault upon the personal and political rights of the unoffending settlers, a series of violent and persistent outrages, a barbarism of conduct that slavery alone could beget, the very recital of which chills and curdles the blood; all designed, too, and that by the self-styled advocates of "squatter sovereignty," to practically ignore and defeat the popular will.

In October of the same year, Andrew H. Reeder, who had been appointed governor, entered the Territory and proceeded at once to the work of organizing a territorial government. He was a Democrat, a believer in the doctrine of popular sovereignty, and an honest supporter of the administration. Among his first duties was the ordering of an election of a delegate to Congress. The election took place in November, and became the occasion of inaugurating that series of aggressions which gained such infamous notoriety then, and the crime of "ballot stuffing," which has been so often resorted to since.

Bands of Missourians entered the Territory by preconcerted arrangement and under central dictation, pitched their tents where they were directed, and participated in the election as if they were actual settlers. The canvass resulted in the declared election of J. W. Whitefield by an alleged vote of three thousand, although it was afterward proved that there were but fifteen hundred voters in the Territory. And it is worthy of special mention that this was the result of an openly avowed purpose and plan, for which neither concealment nor apology was attempted. No less a personage than Senator Atchison, formerly presiding officer of the United States Senate, said in a public speech: "When you reside within one day's journey of the Territory, and when your peace, your quiet, and your property depend upon your action, you can, without an exertion,

send five hundred of your young men who will vote in favor of your institutions. Should each county in the State of Missouri only do its duty, the question will be decided quietly and peaceably at the ballot-box." Near the same time General Stringfellow, afterward made Speaker of the first legislature, addressed the people in a similar style. "I tell you," he said, "to mark every scoundrel among you who is the least tainted with abolitionism or free-soilism, and exterminate him. . . . I advise you, one and all, to enter every election district in Kansas, in defiance of Reeder and his vile myrmidons, and vote at the point of the bowie-knife and revolver. Neither give nor take quarter, as the cause demands it. It is enough that the slaveholding interest wills it, from which there is no appeal." This advice of the leaders and the testimony of the congressional committee that "a very large majority of the votes were cast by citizens of the State of Missouri in violation of the organic law of the Territory," give both the record and the key of the early political history of that Territory. The same committee say, too, that "this unlawful interference has been continued in every important event in the history of the Territory. Every election has been controlled, not by actual settlers, but by citizens of Missouri, and as a consequence, every officer in the Territory, except those appointed by the President, owes his position to non-resident voters." Concerning the election, too, of the legislature which was ordered in March, 1855, and which occupies so large a space in the early history of Kansas legislation, the testimony of the committee is equally explicit and overwhelming to frauds as astounding, through means even more flagrant and audacious. Though subsequent investigations established beyond doubt that the free State men were largely in the majority, they were permitted to send but two members to the legislature.

These, then, are the great and representative facts of the Kansas struggle. From one learn all. By deliberate and avowed purpose and preconcerted arrangements, large numbers of Missourians were thrown into the coveted Territory, the places for casting votes were taken possession of, the real settlers were driven from the polls, while the invaders alone



were permitted to exercise that supreme right of freemen, the right of suffrage. By such means was the first legislature chosen, — a body which assumed not only the right to govern the Territory, but the prerogative of giving birth and authority to a convention to frame a constitution, and to establish on a permanent basis the institutions of the embryo State. This was the legislature and government which the free State men rejected, but which the Democratic administration and the Democratic party fully indorsed. Indeed, so complete was their subserviency to the Southern extremists, that Governor Reeder, though he went to the Territory a friend of the administration and of its general policy, was removed because he was not sufficiently obsequious to their dictation, and hesitated to support their schemes of violence and fraud.

Of course the men thus practically disfranchised, especially those who had come so many miles to build for themselves homes and to mould the institutions of the future State, were in no mood to submit to a usurpation so audacious and wicked. They resolved therefore, though at great personal hazard and harm, that a convention should be held in which the doctrine of popular sovereignty should be something more than a delusion and snare, and in which the people should in reality have a voice in deciding what their laws and institutions should be. A primary meeting of those friendly to a fair vote issued a call for a constitutional convention, which met on the 23d of October, 1855, and formed what was called the Topeka constitution. Though the convention was composed of various classes of men, with much diversity of sentiment and purpose, and though they did not reach the conclusion of their labors without more or less of conflict, the convention did adopt a constitution. It prohibited slavery, though it contained a provision permitting the slaves already in the Territory to remain "until July 4, 1857." Governor Reeder was chosen a delegate to Congress, and a demand was made upon that body for admission into the Union under the new constitution. This was the posture of affairs in the autumn of 1855. The conflict had become a hand-to-hand encounter, and Kansas was one vast camping-ground.



The XXXIVth Congress met December 3, 1855. The organization of the House was not effected until the 3d of February, when Mr. Banks was chosen speaker. This successful opposition to the hitherto unbroken custom of selecting no one for that important position who was not acceptable to the South was very cheering to the friends of freedom, and it strengthened them for the long struggle before them.

The President, in his annual message, referred to Kansas affairs. He admitted that there had been "acts prejudicial to good order," but none requiring, in his judgment, the interposition of the Federal executive. On the 24th of January, he sent a special message, clearly in sympathy with those who would consign Kansas to slavery. He condemned "that pernicious agitation on the condition of colored persons held to service," and the associations "organized in some of the States." He arraigned the administration of Governor Reeder, indorsed the legislature, and condemned the convention at Topeka. But he had no words of condemnation of the "border ruffian" policy, or of sympathy with the victims of the robberies, murders, and arson that were then ravaging that fair land.

On the 14th of February, Governor Reeder presented to the House of Representatives a memorial contesting the seat of Mr. Whitefield. He urged as reasons that Whitefield's "election was absolutely void, being without any valid law"; that "the law under which the pretended election was held . . . was imposed upon them by superior numbers of non-residents . . . and passed at an illegal and unauthorized place"; that it was not conducted "according to the forms and modes prescribed by the supposed law"; and that "many hundreds of illegal votes were polled at said pretended elections by non-residents" and "others." The debate to which these messages of the President and Governor Reeder's memorial gave rise was very protracted, running through six months of the session. Though the advocates of slavery were largely in the majority in the Senate, the parties were nearly equally divided in the House. Of course the motions, resolutions, amendments, substitutes, modifications, points of order, and calls for

ayes and nays were almost innumerable, though the pregnant facts and salient points were the disturbances in Kansas, the contested election, and the attempts of the people to form a State constitution and to secure admission into the Union.

Governor Reeder's memorial having been referred to the Committee on Elections, a resolution was reported by Mr. Hickman of Pennsylvania that the committee have power to send for persons and papers. After a debate of several days, the House, on the 19th of March, adopted a substitute offered by George G. Dunn of Indiana. It provided that a committee should be appointed to go to the Territory, take depositions, examine witnesses, and investigate not only the matter of the election, but "the troubles in Kansas generally." William A. Howard of Michigan, John Sherman of Ohio, and Mordecai Oliver of Missouri, were appointed that committee.

The President had appointed Wilson Shannon of Ohio governor of the Territory. Though he afterward, like his predecessor, fell into disfavor with the propagandists, he signalized his entrance upon the duties of his office by fully indorsing the illegal legislature and the validity of its laws, and by pointing to his past record as evidence that they might trust him in his new position. In a speech in Westport, Missouri, "the headquarters of border ruffianism," he told the crowd that, for reasons which he gave, he was "for slavery in Kansas." Encouraged by these declarations of the new governor, whom they justly regarded as the exponent and mouthpiece of the national administration, the supporters of the Slave Power were greatly emboldened in their assaults upon the free State settlers. Calculating too safely on their impunity, however great their guilt, they did not hesitate to commit, and almost without attempt at concealment, the most flagrant and fearful crimes against them. On the 21st of November, 1855, William Dow, a free State settler, was shot, in open day and in sight of several persons, by one Coleman, and the body was permitted to lie in the road from noon till night. The murderer, with real or simulated alarm, escaped into Missouri; but he soon returned, surrendered himself to Governor Shannon, and was allowed to go at liberty. The free State settlers

chose a committee to bring the murderer to justice ; but, instead of that result, that effort was made the pretext for new assaults, and the man who recovered the body of the murdered Dow was arrested by the sheriff of Douglas County, on the affidavit of one of the accomplices to the murder, who swore that his life was in danger on his account. The sheriff, Samuel J. Jones, accompanied by two men who had witnessed, if they had not assisted in, the murder, arrested Jacob Branson, who had performed that humane deed, and started for Lawrence. On the way they encountered a party of his Free State neighbors, who invited him to join them, which he did, in spite of the threats of Jones. The sheriff immediately called on the governor for three thousand men to aid in the execution of the laws ; and the latter, on the 29th of November, issued a public proclamation to that effect. Few, however, from Kansas responded. William Phillips, then on the ground, afterward a general in the war of the Rebellion, and subsequently a member of Congress, asserts that there were not more than seventy-five who answered the governor's call. But large numbers flocked in from the border counties of Missouri, where the most lively interest was manifested, and where the prominent citizens took a leading part, emphasizing their appeals by the expression of their conviction that "a fight" was inevitable, and that if "we are defeated this time the Territory is lost to the South." To the character and purposes of the men who thus flocked to the standard which Governor Shannon unfurled, well described by an eyewitness as "the scum and riffraff" of the counties they came from, he himself apologetically testifies. "These men came to the Wakarusa camp," he said, "to fight ; they did not ask peace ; it was war, — war to the knife. They would come."

Among their first acts while encamped at Franklin, near Lawrence, was the wanton murder of Thomas W. Barber, who, in company with a brother and neighbor, was returning unarmed and quietly to his home. He was met by a party of men, among whom were Major Clark, Indian agent, General Richardson of the Kansas militia, and Judge Cato, one of the President's appointments, accosted by Clark, and or-



dered to stop and go with them. On his refusal, Clark shot him, inflicting a mortal wound. He soon expired, and was taken to Lawrence and laid in one of the rooms of the Free State Hotel, where his lifeless body was seen by the governor the next day. But notwithstanding this most flagrant act of murder, dastardly and unprovoked, committed on a quiet and unarmed man, was a matter of common notoriety, no attempt was made to punish the murderer, and he was still retained in office by Franklin Pierce.

The people of Lawrence, while they had prepared for defence, but were anxious for peace, sent Mr. Lowry and Mr. Babcock, two of their committee of safety, to see General Shannon at Shawnee Mission. The governor came to Franklin, where a portion of the troops were stationed. Finding them wholly unmanageable, threatening violence and bloodshed, he besought General Shannon, commander of the United States dragoons stationed there, to keep the peace; but that officer refused to act without express orders. Entering Lawrence, he consulted with the free State leaders, and an arrangement was made, signed by the governor, Charles Robinson, and James H. Lane. The governor also gave an order to these gentlemen to use the force under their command for the protection of the persons and property of Lawrence and vicinity. The Missourians who had come over into the Territory went reluctantly to their homes again, bitterly denouncing Governor Shannon and the abolitionists, though Atchison declared that they would yet have a fight. In a speech at Leocompton, Stringfellow well expressed their views. "Shannon," he said, "has played us false; the Yankees have tricked us; the governor of Kansas has disgraced himself and the whole proslavery party."

On the 15th of December there was an election for the ratification of the Topeka constitution, and on the 15th of January an election for the choice of officers under it. But at many of the voting-places the free State men were greatly annoyed by the border ruffians who still remained in the Territory; at some they were driven from the polls, and at other places the boxes were seized. And indeed, during the winter and early spring,

scenes of violence and outrage prevailed, in which several free State men lost their lives. Some of these murders, as that of Captain E. P. Brown, were committed under circumstances of brutality and accompanied with atrocities that would have disgraced the most barbarous times and the most savage men.

During these months they were menaced with civil war and invaded by guerilla parties. Shortly after the treaty between the governor and the citizens of Lawrence, Atchison wrote to a citizen of the South, saying that he had been a peace-maker in the difficulties which had just been settled, but that he would never again counsel peace. He called on the South to send its young men to Missouri and Kansas, and predicted that civil war was inevitable, and that it was near at hand. "Twelve months will not elapse," he said, "before war, civil war of the fiercest kind, will be upon us. We are arming and preparing for it. Indeed, we of the border counties are prepared. We must have the support of the South. We are fighting the battles of the South. We want men, armed men. We must have money. Let your young men come on in squads, as fast as they can be raised and armed."

The citizens of the western counties of Missouri also appealed to the proslavery men of the country for men and money. In a circular which was extensively scattered through the Southern States, they said that they had been heavily taxed in both money and time in fighting the battles of the South in Kansas; that Lafayette County alone had expended one hundred thousand dollars in thus maintaining the rights of the South. In response to calls like these, Colonel Buford and his Southern regiment and many others entered the Territory in the spring of 1856. So desperate was the condition of the free State settlers between the upper and nether millstones of a proslavery administration at Washington and a proslavery mob in Kansas.

The Senate, in which the slaveholding influence so largely predominated, followed the imperious lead of Mr. Douglas. On the third day of the session, Mr. Hale offered a resolution calling on the President for information concerning the troubles in Kansas. On the 7th of January, Mr. Wilson pre-

sented similar, though more specific resolutions. On the 4th of February, Mr. Jones of Tennessee presented resolutions calling "for copies of the laws and journals of the legislative assembly" in Kansas. On the 18th of February the President responded to the above resolutions by sending a message covering such papers and correspondence.

Mr. Wilson at once addressed the Senate in reply to the message just received. He characterized it and its accompanying papers as "stupendous misrepresentations," carrying "a gigantic falsehood to the American people." Alluding to the charges of the President and others that the "disorders" of Kansas were to be attributed to an "extraordinary organization," called an "Emigrant Aid Society," he vindicated that society from such aspersions, and expressed the conviction that it and kindred associations were not only legitimate, but in the highest degree praiseworthy. He adduced documentary evidence of the outrages in Kansas, showing that "on the 30th of March, 1855, four thousand voters from the State of Missouri passed into the Territory and gave their votes"; that "the late presiding officer of the United States Senate, David Atchison, had, with bowie-knife and revolver belted around him, been apparently ready to shed the blood of any man who refused to be enslaved." The President and others having urged the fact that Governor Reeder had given certificates to members of the legislature as proof of its legality, he asserted that such papers were given under duress, and were no legitimate evidence in the case.

Soon afterward, Mr. Hale made a caustic speech, severely criticising the President, the tergiversation of the Democratic party, and the horrible slave-code of the Kansas statute-book. Alluding to the law that the printing and circulating of anti-slavery documents should be punishable with five years' imprisonment, he said that such a law would convict any person having in his possession even the utterances of President Pierce himself; for he had said, only ten years before, in a Democratic convention: "I regard slavery as one of the greatest moral and social evils, — a curse upon the whole country." Referring to the frequent charge, by Southern men,



of the original complicity of Northern men in the establishment and early maintenance of the sin of slavery, he said that by no act of his should the future citizens of Kansas have occasion for a similar reproach. "No, sir," he said; "we wish to stand clear of that reproach which is so often and so freely cast on our fathers."

The legislature elected under the Topeka constitution met at that place on the 1st of March. Charles Robinson took the oath of office as governor, and Andrew H. Reeder and James H. Lane were chosen United States Senators. A memorial to Congress asking admission was adopted, and the legislature adjourned to meet on the 4th of July.

While the report, from the Committee on Territories, on Kansas affairs, the policy of the administration, and the recommendation that, when the Territory should have a population of ninety-three thousand four hundred and twenty inhabitants, a constitutional convention should be called, were under discussion, Mr. Douglas and Mr. Collamer, both members of the committee, addressed the Senate. Mr. Douglas explained the provisions of the bill, defended the legality of the legislature and the validity of its laws, and contended that if there were "disorders" in Kansas they had been provoked by Northern interference, especially by the formation of emigrant-aid societies. Mr. Collamer spoke ably for the minority. Of the duty and responsibility of Congress to legislate for the people of the Territory he said: "I think we have sovereign power. We have the right to repeal the whole of their laws, or any one of them. It is of no use to leave that people as they are. They are bound hand and foot, and no good can result of leaving things to them under Kansas law." He argued the existence of this congressional power from "the cotemporaneous construction of the Constitution," and from the precedents scattered all along the history of congressional action. Mr. Douglas closed by a defiant speech in which he challenged his opponents to an appeal to the people for "an open and a fair fight."

In the winter and spring of 1856, the interest, both in Congress and in the country, growing out of the affairs of Kansas,

was profound and the excitement intense. Mr. Douglas, from the Committee on Territories, presented on the 12th of March an elaborate report on the condition of Kansas. A minority report, full, fair, and able, was made by Mr. Collamer. Of these two reports Mr. Sumner at once said: "The whole subject is presented characteristically on both sides. In the report of the majority the true issue is smothered; in that of the minority the true issue stands forth as a pillar of fire to guide the country."

On the 17th of March, Mr. Douglas reported a bill authorizing the people of Kansas to form a constitution preparatory to their admission into the Union when they have the requisite population. A substitute was proposed by Mr. Seward providing for its immediate admission. The debates went on from day to day. The friends of freedom, though few in numbers, were earnest and courageous. They watched vigilantly the course of events. Though hopeless of carrying through the measures they would gladly have seen adopted, they determined that the legislation actually effected should be as little damaging as possible to the interests they had in charge. On the other hand, the forces of oppression, confident in the power which their large majority gave them, not only moved on with unyielding determination and an inexorable persistence to the accomplishment of their ruling purpose to make Kansas a slave State, but they supported, Northern and Southern members alike, with little seeming reluctance, or at least they refused to condemn, even the most audacious measures of the assailants and the most wicked of the pretended laws, born of the border-ruffian policy.

## CHAPTER XXXVI.

### ASSAULT ON SUMNER.

Feverish state of feeling. — Mr. Sumner's speech. — Reference to Butler and Douglas. — Excitement produced. — Assault. — Indignation. — Meeting of Republican Senators. — Subject introduced by Mr. Wilson. — Committees appointed by both houses. — Reports. — Statements of Senators. — Mr. Wilson challenged by Brooks. — Challenge declined. — Action of the House. — Mr. Brooks's speech and resignation. — Southern demonstrations. — Indorsed by Southern members. — Burlingame's speech. — Comins's speech. — Challenge of Brooks. — Challenge accepted. — Brooks refuses to fight. — Burlingame's reception in Boston. — Speech. — Meeting in Faneuil Hall. — Speeches of Chandler and Everett.

THE spring of 1856 had opened gloomily. The Kansas-Nebraska legislation was bringing forth its legitimate fruits. Emboldened by their success, the slavery propagandists pressed on with vigor, resolved that no obstacles should prevent the realization of their cherished purposes. In Kansas the friends of freedom found that the pretended proffer of popular sovereignty was a delusion, and they were at once precipitated into a hand-to-hand conflict. Treason was on many lips, and the cry of secession not only rung in the halls of Congress, but resounded throughout the South. Distrusting, too, their ability to meet their opponents in the fair field of debate, the advocates of slavery resolved to resort to something more potent than words. If they could not rebut the speech, they could intimidate and overpower the speaker, and the bludgeon be made to accomplish what fair argument could not effect. The border-ruffian policy, which was filling Kansas with alarm and bloodshed, had its representatives in Washington, walking its streets, hanging around its hotels, and stalking through the capitol. To the extreme arrogance of imbittered and aggressive words were added the menace and actual infliction of personal violence. Indeed, the course of



these men assumed the form of a reckless and relentless audacity never before exhibited. Members of Congress went armed in the streets, and sat with loaded revolvers in their desks.

It was in this state of popular feeling and during the debate on Kansas affairs that Mr. Sumner delivered, on the 19th and 20th of May, his speech on "The Crime against Kansas." It was marked by the usual characteristics of his more elaborate efforts, exhibiting great affluence of learning, faithful research, and great rhetorical finish and force. It was, in the words of the poet Whittier, "a grand and terrible philippic, worthy of the great occasion; the severe and awful truth, which the sharp agony of the national crisis demanded." The speech bore the marks of a determined purpose to make it exhaustive and complete; as impregnable in argument and cogent in rhetoric as it could be made by the materials at his command, and by the author's acknowledged ability to use them. He summoned largely to his aid the power of language, and his "words" became "things."

He divided his subject into "three different heads: THE CRIME AGAINST KANSAS in its origin and extent; THE APOLOGIES FOR THE CRIME; and THE TRUE REMEDY." Concerning the crime itself, he adduced the most incontrovertible proofs of its existence, and closed by comparing Kansas to a "gallant ship, voyaging on a pleasant summer sea, assailed by a pirate crew." "Even now," he said, "the black flag of the land pirates of Missouri waves at the masthead; in their laws you hear the pirate yell and see the flash of the pirate knife; while, incredible to relate, the President, gathering the Slave Power at his back, testifies a pirate sympathy." He said the apologies were four in number: the apology "tyrannical," the apology "imbecile," the apology "absurd," and the apology "infamous." "This is all," he said. "Tyranny, imbecility, absurdity, and infamy all unite to dance, like the weird sisters, about this crime." Concerning the remedies, he said they, too, were "fourfold": the remedy of "tyranny," of "folly," of "injustice and civil war," of "justice and peace." "These are the four caskets," he said, "and you are to determine which shall be opened by Senatorial votes." Having

discussed these points with great fulness and cogency, he thus closed: "The contest, which, beginning in Kansas, reaches us, will be transferred soon from Congress to that broader stage where every citizen is not only spectator, but actor; and to their judgment I confidently turn. . . . In the name of the Constitution outraged, of the laws trampled down, of humanity degraded, of peace destroyed, of freedom crushed to earth, and in the name of the Heavenly Father, whose service is perfect freedom, I make this last appeal."

Portraying the crime, he referred to the criminal, fitly spoke of the tyrant power who inspired it, and of the more prominent agents in its commission. Alluding to a fable of Northern mythology, he said: "Even so the creature whose paws are fastened upon Kansas, whatever it may seem to be, constitutes in reality part of the Slave Power, which, with loathsome folds, is now coiled about the whole land."

Of several of the agents of this power he had more than general reasons to speak severely. Among them were Mr. Butler and Mr. Douglas, who had singled him out for special attack. In this speech, therefore, he took occasion to repay them for their assaults, and proposed to say "something in reference to what has fallen from Senators who have raised themselves to eminence on this floor in championship of human wrongs. I mean the Senator from South Carolina, and the Senator from Illinois, who, though unlike as Don Quixote and Sancho Panza, yet, like this couple, sally forth in the same adventure." Of the former he spoke as "one applying opprobrious epithets to those who differ from him on this floor, calling them 'sectional' and 'fanatical,' and their opposition to the usurpations in Kansas 'an uncalculating fanaticism!'" Of the latter he said: "The Senator dreams that he can subdue the North. He disclaims the open threat; but his conduct implies it. How little that Senator knows himself, or the strength of the cause he persecutes! He is but a mortal man; but against him is an immortal principle. With finite strength he wrestles with the infinite, and he must fail; against him are stronger battalions than any marshalled by mortal arm, — the inborn, ineradicable, and invincible senti-

ments of the human heart; against him is Nature in all its subtle forces; against him is God. Let him try to subdue these."

A speech so bold and unsparing in its utterances, so thorough and fundamental in its logic, in which things were called by their right names, and which applied the tests of Republican and Christian principles so severely to the vexed question, while, at the same time, it administered to some of the haughty and dogmatic leaders that severe rebuke their insolence deserved, could not fail, in the excited state of the public mind, to produce a profound impression. Men whose course had been subjected to this terrible arraignment were excited to madness; and summary vengeance was agreed upon as the only remedy that would meet the exigency of the hour.

Preston S. Brooks, a Representative from South Carolina, either volunteered or was selected as the agent for its infliction. After the adjournment of the Senate on the 22d of May, Mr. Sumner remained at his desk, engaged in writing. While so engaged, Brooks, whom he did not know, approached him, and said: "I have read your speech twice over, carefully. It is a libel on South Carolina and Mr. Butler, who is a relative of mine." While these words were passing from his lips, he commenced a series of blows with a bludgeon upon the Senator's head, by which the latter was stunned, disabled, and smitten down, bleeding and insensible, on the floor of the chamber. From that floor he was taken by friends, borne to the anteroom, where his wounds were dressed, and then he was carried by Mr. Wilson, assisted by Representative Buffinton, of the House, faint and bleeding, to his lodgings. The injuries of Mr. Sumner were serious, and became the occasion of constant anxiety to his friends. He was first treated at Washington, afterward successively at Philadelphia, Boston, and Paris, making two voyages to Europe, where he submitted himself to treatment at the hands of Dr. Brown-Séquard. It was four years before he was pronounced convalescent, during the most of which time his vacant chair in the Senate Chamber proclaimed, with a more pregnant



eloquence than that of his own well-chosen words, the "barbarism of slavery."

This cowardly and audacious assault deeply moved the public mind, not only at Washington, but throughout the country, though the personal participants therein, the criminal and his victim, were very much lost sight of in the moral and political significance of the act. For the moment, Sumner and Brooks were regarded mainly as representative men, exponents of the two civilizations which divided the country, while the scenes of the 22d of May on the floor of the Senate were looked upon as typical of what was being enacted on the wider theatre of the nation. Mr. Sumner, though confessedly the superior of his assailant in stature and physical strength, sitting and cramped beneath his writing-desk, over which he was bending, with pen in hand, taken unawares and at disadvantage, and his assailant raining blows upon his unprotected head, fairly represented freedom and slavery as they stood at that time confronting each other. Freedom, though intrinsically stronger than its antagonist, was yet practically weaker. So hampered by the compromises of the Constitution, by the legislation of two generations, by proscription and prescription, and by the overpowering advantage which actual possession gave to slavery, it had been obliged to succumb to its imperious antagonist, beside suffering infinite damage thereby. This blow at free speech, and personal safety as well, like a flash of lightning in a dark and stormy night, revealed by its lurid glare the grim facts of the situation, and the people, for good reason, trembled as they gazed apprehensively into the immediate and more remote future.

In the evening of the day of the assault, the Republican Senators met at the house of Mr. Seward. In a lean minority — only one fifth of the Senate — they knew that they were at the mercy of the majority, which was dominated by the incensed and inexorable leaders of the Slave Power, who, always bitter and implacable, were now still more determined and audacious; always zealous, their zeal was more inflamed by the fresh fuel these proceedings would add. What new

victims would be required, who they should be, and whom their appetite for vengeance, whetted by this taste of blood, would select, they knew not. Not unlikely some who gathered there, like the disciples of John the Baptist, after their master had fallen a victim to a tyrant's power, felt that, though the night was dark and the future was forbidding, it was no time to despair or to remit effort. Nor would they, without remonstrance, submit to such an invasion of their personal and political rights. It was accordingly agreed that Mr. Wilson should call the attention of the Senate to the subject the next day, and, unless some member of the dominant party should move a committee of investigation, Mr. Seward should make such motion.

On the assembling of the Senate, amid deep excitement, crowds filling every available space in the chamber and all its approaches, Mr. Wilson rose, and, having narrated briefly the facts of the transaction, said: "Sir, to assail a member of the Senate out of this chamber 'for words spoken in debate' is a grave offence, not only against the rights of a Senator, but the constitutional privileges of this House; but, sir, to come into this chamber and assault a member in his seat, until he falls exhausted and senseless on this floor, is an offence requiring the prompt and decisive action of the Senate. Senators, I have called your attention to this transaction. I submit no motion. I leave it to older Senators, whose character, whose position in this body and before the country, eminently fit them for the task of devising measures to redress the wrongs of a member of this body and to vindicate the honor and dignity of the Senate."

As no Democratic Senator proposed any action, Mr. Seward offered a resolution for a committee of five members, to be appointed by the President, to inquire into the assault, and to report the facts, together with their opinion thereon. On motion of Mr. Mason, the resolution was so amended as to provide that the committee should be chosen by the Senate; and Pearce of Maryland, Cass of Michigan, Dodge of Wisconsin, Allen of Rhode Island, and Geyer of Missouri, were selected. The committee was chosen wholly from the Demo-



cratic party and contained no one friendly to Mr. Sumner. The same day, Lewis D. Campbell introduced a resolution into the House of Representatives reciting the particulars of the assault, and proposing a select committee of five to report such action as might be proper for the vindication of the House. After a brief debate, the resolution was adopted, and Campbell of Ohio, Pennington of New Jersey, Spinner of New York, Cobb of Georgia, and Greenwood of Arkansas, were appointed.

This assault upon Mr. Sumner was, however, chiefly noticeable for its related facts and subsequent developments. Standing alone, it was but one of many outrages which have disfigured and disgraced human history, as indefensible as they were full of pain and peril, — one good man suffering at the hands of a bad man from the impulse of passion or the greed of gain. But, standing as it does in its relations to the irrepressible conflict between freedom and slavery, it was a revelation of a state of public feeling and sentiment, especially at the South, which both startled and surprised the nation and the world: though it has since lost much of its special significance, looked at by the side of the more horrible demonstrations of rebellion and civil war. Thus considered, it shows Mr. Brooks as only a fit representative of the dominating influences of the slaveholding States, where not only did their leading public men and presses indorse the deed as their own, and defend it by voice and vote, but the people generally seemed ready to vie with each other in their professed admiration of his course, so that the bludgeon became the weapon of honor, the bully the hero of the hour.

Its committee reporting want of jurisdiction, because, it contended, "authority devolves solely upon the House, of which he is a member," the Senate itself took no further action. But the House committee entered at once upon the investigation, and proceeded to examine the witnesses of the transaction. Visiting Mr. Sumner at his room, they took his deposition from his sick-bed. He made substantially the same statement already given, mentioning the additional fact that on coming to consciousness he saw "Mr. Douglas and Mr. Toombs standing in the Senate," and Mr. Slidell in



the anteroom, from which the latter "retreated at once." This statement becoming known, these Senators felt called upon to make explanations of their knowledge of the affair and of the course they adopted in relation to it. Mr. Slidell, referring to the fact that he was conversing with other Senators, among whom was Mr. Douglas, when a messenger rushed in with the intelligence that somebody was beating Mr. Sumner, contemptuously said: "We heard this remark without any particular emotion. For my part, I confess I felt none. I am not disposed to participate in broils of any kind. I remained very quietly in my seat. The other gentleman did the same. We did not move." He stated that, a few minutes afterward, he went into the Senate chamber, and was told that Mr. Sumner was lying in a state of insensibility. Returning to the anteroom, and attempting to pass out, he saw the wounded man as he was carried into the anteroom, "his face covered with blood, and evidently faint and weak." "I am not," said Mr. Slidell, "particularly fond of scenes of any sort. I have no associations or relations of any kind with Mr. Sumner. I have not spoken to him for two years. I did not think it necessary to express any sympathy or make any advances toward him." Slidell closed his remarks by saying he was free from any participation, connection, or counsel in the matter.

Douglas, too, deemed it his duty to make some explanation. He said that, when the messenger passed through the room and said somebody was beating Mr. Sumner, "I rose immediately to my feet. My first impulse was to come into the Senate chamber, and help to put an end to the affray, if I could. But it occurred to my mind in an instant that my relations to Mr. Sumner were such that, if I came into the hall, my motives would be misconstrued perhaps; and I sat down again." He stated that a few moments afterward he went into the Senate chamber, and saw the crowd gathering about Mr. Sumner, who was prostrate on the floor. He closed his remarks by stating he did not know that he was in the capitol; that he did not know that any man thought of attacking him, and that he had not the slightest suspicion of what was to happen.

Mr. Toombs said: "As for rendering Mr. Sumner any assistance, I did not do it. As to what was said, some gentleman present condemned it in Mr. Brooks. I stated to him, or to some of my own friends, probably, that I approved it. That is my opinion." It was also given in evidence that Mr. Keitt was present at the assault, not only consenting to the action of his colleague, but with violent demonstrations and profane expressions warning off all who would interfere to save the victim from his assailant.

Of course, Northern men could not remain unmoved by such admitted complicity with and indorsement of an outrage like that. Mr. Wade said: "It is impossible for me to sit still and hear the principle announced which I have heard on this occasion. I am here in a pretty bare minority; but when I hear, on the floor of the Senate, that an assassin-like, cowardly attack has been made on a man unarmed, having no power to defend himself, who was stricken down with the strong arm and almost murdered, and that such attacks are approved of by Senators, it becomes a question of some interest to us all, and especially to those who are in the minority. A brave man may be overpowered by numbers on this floor; but, sir, overpowered or not, live or die, I will vindicate the right and liberty of debate and freedom of discussion upon this floor so long as I live."

Mr. Wilson remarked that there was no conflict between the statements of Mr. Sumner and those of Slidell, Douglas, and Toombs. The assault itself he pronounced "brutal, murderous, and cowardly." This provoked the exclamation "You are a liar!" from Mr. Butler; although, at the request of Senators, he immediately withdrew the words. The charge of Mr. Wilson led to a challenge from Mr. Brooks, which was borne to him by General Lane of Oregon, afterward Democratic candidate for the Vice-Presidency. Mr. Wilson, against the urgent advice of Mr. Giddings, Mr. Colfax, and other friends, immediately returned this reply:—

"I characterized, on the floor of the Senate, the assault upon my colleague as 'brutal, murderous, and cowardly.' I thought so then. I think so now. I have no qualification



whatever to make in regard to those words. I have never entertained, in the Senate or elsewhere, the idea of personal responsibility in the sense of the duellist. I have always regarded duelling as the lingering relic of a barbarous civilization, which the law of the country has branded as crime. While, therefore, I religiously believe in the right of self-defence in its broadest sense, the law of my country and the matured convictions of my whole life alike forbid me to meet you for the purpose indicated in your letter."

Having sent this reply by James Buffinton, a member of the House from his State, Mr. Wilson telegraphed to his wife, then in Massachusetts: "Have declined to fight a duel, shall do my duty and leave the result with God. If assailed, shall defend my life, if possible, at any cost. Be calm." Writing a hurried note to his friends, William Claflin, afterward governor of Massachusetts, and John B. Alley, subsequently for several years a member of Congress, to befriend his son, then only ten years of age, if he should be struck down by violence, Mr. Wilson armed himself for defence, resolved to go where duty called. At once a meeting was held at the National Hotel by a few Southern members, and the question of making an assault upon him considered; and actual violence was prevented mainly by the efforts of Mr. Orr of South Carolina, as he informed Mr. Wilson in the winter of 1873, when on his way to Russia as Minister of the United States.

The House committee made two reports; the majority recommending the expulsion of Mr. Brooks, and expressing "disapprobation of the act of Henry A. Edmonson and Lawrence M. Keitt." The minority pleaded want of jurisdiction; and sixty members sustained that position. The House censured Keitt, but failed to condemn Edmonson. Keitt resigned. One hundred and twenty-one members voted to expel Brooks and ninety-five voted against expulsion. Having failed to expel, — a two-thirds vote being necessary, — a vote of censure was adopted by a large majority.

After these votes were declared, Mr. Brooks addressed the House in a speech of mingled assumption, insolence, and self-conceit. While disclaiming all intention to insult Con-



gress, the Senate, or the State of Massachusetts, he seemed to be utterly oblivious that there had been any infringement of law or the rights of others ; it being simply, he said, “ a personal affair, for which I am personally responsible.” With infinite effrontery he affirmed : “ I went to work very deliberately, as I am charged, — and this is admitted, — and speculated somewhat as to whether I should employ a horsewhip or a cowhide ; but, knowing that the Senator was my superior in strength, it occurred to me that he might wrest it from my hand, and then (for I never attempt anything I do not perform) I might have been compelled to do that which I would have regretted the balance of my natural life.” What that contingency he so coolly admitted was every reader can conjecture. With still greater assurance and self-assertion, he claimed, as a matter of credit for his forbearance, that he had not plunged the nation into civil war, as if he had held the destinies of the Republic in his hands. “ In my heart of hearts,” he said, “ such a menacing line of conduct I believe would end in subverting this government and drenching this hall in blood. No act of mine, on my personal account, shall inaugurate revolution ; but when you, Mr. Speaker, return to your own home, and hear the people of the great North — and they are great people — speak of me as a bad man, you will do me the justice to say that a blow struck by me at this time would be followed by a revolution ; and this I know.” Concluding his speech, he announced the resignation of his seat, and walked out of the House. He returned to his constituents, was triumphantly re-elected, in about two weeks went back with his commission of re-election, and again took his seat.

But the most significant and instructive incidents and utterances remain to be noted. Much of what has already been adduced might be safely referred to passion, wounded feeling, and inflamed hatred. The language of Slidell, Douglas, Toombs, and Brooks was evidently spoken in hot blood, and the votes of Mr. Brooks’s constituents were cast in obedience to feelings that had been roused to the highest pitch of imbittered and vengeful indignation. No adequate conception of the state of public sentiment and feeling then

existing can be found without reference to the cooler and more deliberate expressions of public men and presses outside of the narrow circle of the immediate actors in this tragedy of violence and blood. Unfortunately the evidence is far too conclusive to leave any doubt as to the anarchical sentiments that prevailed too generally at the South and far too largely, indeed, at the North.

Referring to a meeting of Brooks's constituents, at which resolutions of approval were adopted, and a cane, with a brutal inscription, voted him, a paper published at the capital of his State remarked: "Meetings of approval and sanction will be held not only in Mr. Brooks's district, but throughout the State at large, and a general and hearty response of approval will re-echo the words 'Well done!' from Washington to the Rio Grande." The students and officers of the University of Virginia also voted him a cane, on which the leading Democratic organ of the South remarked approvingly: "The chivalry of the South, it seems, has been thoroughly aroused." The Richmond "Examiner" said: "Far from blaming Mr. Brooks, we are disposed to regard him as a conservative gentleman, seeking to restore its lost dignity to the Senate, . . . whose example should be followed by every Southern gentleman whose feelings are outraged by unprincipled Abolitionists." The Richmond "Enquirer," some weeks after the assault, said: "In the main, the press of the South applaud the conduct of Mr. Brooks, without condition or limitation. Our approbation, at least, is entire and unreserved. . . . It was a proper act, done at the proper time and in the proper place."

Nor were leading statesmen less explicit in their approval. Mr. Mason, in reply to an invitation to attend a public dinner in honor of Mr. Brooks, after referring to his "social and political intercourse" with their "able and justly honored representative," adds: "I know of none whose public career I hold more worthy the full and cordial approbation of his constituents than his." Jefferson Davis, on the same occasion, wrote: "I have only to express to you my sympathy with the feeling which prompts the sons of Carolina to wel-

come the return of a brother who has been the subject of vilification, misrepresentation, and persecution, because he resented a libellous assault upon the representative of their mother." Nor were they alone Southern men who joined in this formal indorsement. Mr. Buchanan, the Democratic candidate for the Presidency, referring to Mr. Sumner's speech, characterized it as "the most vulgar tirade of abuse ever delivered in a representative body"; and added that, though "Mr. Brooks was inconsiderate, . . . Senator Butler was a very mild man."

Mr. Savage of Tennessee, in a eulogy in the House, said: "To die nobly is life's chief concern. History records but one Thermopylæ; there ought to have been another, and that one for Preston S. Brooks. . . . So shall the scene in the Senate chamber carry the name of the deceased to all future generations, long to be remembered after all men are forgotten and until these proud walls crumble into ruins." So unmistakably did the leading minds of the South indorse the deed and make it their own.

Nor, on the other hand, were the men of the North silent. The thrill of horror and alarm which ran through the free States found expression, as with fitting phrase and indignant emphasis men characterized and denounced the diabolical and cowardly assault. On the floor of Congress were those found who, at much personal hazard, denounced both the assault and the assailant. In the House, John Woodruff of Connecticut, a man proverbial for moderation of temper and deportment, said: "If honorable gentlemen cannot wholly rid themselves of an unwelcome presence, they can, at least, show their appreciation of an action wanting few of the elements of the most audacious crime and of a spirit equal to deeds that I will not name. With an endeavor always to cultivate courtesy, I shall not hesitate, here in my place or elsewhere, to freely characterize as they deserve any lofty assumption of arrogance or any mean achievement of cowardice." For these words he was waited upon and interrogated whether he would receive a challenge from Mr. Brooks. He, however, declined to receive it.



Mr. Burlingame, afterward plenipotentiary to China, and from China to the Western nations, spoke of the assault with boldness, eloquence, and force. "I denounce it," he said, "in the name of the Constitution it violates. I denounce it in the name of the sovereignty of Massachusetts, which was stricken down by the blow. I denounce it in the name of humanity. I denounce it in the name of civilization, which it outraged. I denounce it in the name of that fair play which bullies and prize-fighters respect. The Senator from Massachusetts sat in the silence of the Senate chamber, engaged in the employments appertaining to his office, when a member from the House, who had taken an oath to sustain the Constitution, stole into the Senate, a place which had hitherto been held sacred against violence, and smote him, as Cain smote his brother." Keitt exclaimed: "That is false." Burlingame replied: "I will not bandy epithets with the gentleman. I am responsible for my own language; doubtless he is responsible for his." "I am," said Keitt. "I shall stand by mine," replied Burlingame.

Mr. Comins, the other representative from Boston, said the murderous blow that smote down Mr. Sumner was "the representative of a power that, having failed to sustain itself in intellectual conflict, resolves itself into brute force, stalks into the Senate chamber, and there, with bludgeon in hand, beats freedom over the head." "In your arrogance," he said, "you assume to be the sole and rightful judges of parliamentary decorum and parliamentary law. We tell you plainly, we will no longer submit to these things." This language gave no little offence to Brooks and his friends; but they took no action concerning it.

Brooks felt compelled, however, to notice Burlingame's speech. Several days after its delivery, William W. Boyce of South Carolina, and Thomas S. Bocock of Virginia, acting for Brooks, met in consultation with Speaker Banks and George Ashmun, who were friends of Burlingame, with a view of arranging the matter either amicably or otherwise. Burlingame was present, and during the consultation expressed his personal regard for Brooks, but condemned the

act committed by him. This nice discrimination between the actor and the act was seized upon by the friends of both parties, and it was at once agreed that the affair could be settled upon that declaration. Though the parties and their immediate friends were satisfied, others were not. The arrangement was soon the subject of public comment and unfavorable criticism. Mr. Burlingame, having left Washington to enter the presidential canvass in the West, Mr. Wilson telegraphed him to return immediately, and he did so. On his return, a copy of the Boston "Courier" of July 18, containing the terms of settlement, and an article severely criticising Mr. Burlingame's action, was placed in his hands by his colleague, Timothy Davis. He immediately declared to Mr. Davis that he would withdraw the whole of his part of the settlement, and he published a card in the "National Intelligencer" of July 22, in which he placed himself upon his speech, yielding nothing and retracting nothing.

Of course, Brooks took action at once, and sent a challenge by General Joseph Lane of Oregon. It was promptly accepted, and the arrangements and details were referred to Lewis D. Campbell of Ohio. Burlingame absented himself from the House, remaining the most of the day in the room of one of his colleagues. Early in the evening, he met and walked with Mr. Wilson in the grounds east of the Capitol. He then expected to meet Brooks outside of the District the next morning. He spoke of his wife, his children, and friends at home; and, on parting, said: "My friend, you know my position; I want you to explain my conduct to my friends, and to defend my memory if anything happens to me." Late in the evening he met Mr. Davis and walked with him in the park near the City Hall. He then, at that hour, supposed he should meet Brooks early the next morning; and he confided to his colleague some matters to be used in case he should fall. At parting, he remarked: "I do not hate Brooks; but I shall kill him."

Mr. Campbell, who wrote the reply to the challenge, decided that the meeting should be held near the Clifton House in Canada, and sent Mr. Burlingame, late in the night, to take

the cars, at the junction in Maryland, for that place. But Brooks declined to meet Burlingame at the place designated, on the alleged ground that, in the then excited state of public feeling at the North, it would not be safe for him to undertake the journey.

The friends of freedom generally regretted the course of Mr. Burlingame, though they were not unmindful of the salutary influence which such a response was calculated to exert upon men who had depended largely upon the unwillingness of Northern men to adopt their self-styled "code of honor." Indeed, he himself did not fully indorse the course he felt constrained to adopt. At a public reception, given him in Boston on the 12th of September, he said: "My errors, if errors they were, sprang from the dim light in which I stood, and out of a sincere love for the old Bay State. To my mind, a conflict which under other circumstances would have been merely personal and disgraceful, from the standpoint from which I viewed it rose to the dignity of a great transaction, — as a defence of freedom of speech. I should have been wiser, I am certain, if I had followed the noble example set by one now near me, who has ever been my leader, and whom I am proud so to acknowledge, — one who represents Massachusetts in her loftiest mood, on her highest plane of action, — one whose reason was never dimmed by passion. I pay my full homage to that position here. It is the right position unquestionably."

Public meetings, too, were held in the Northern States, at which resolutions were adopted and speeches were made by their ablest and most distinguished men. Faneuil Hall did not remain silent. At a large and deeply excited meeting, held without distinction of sect or party, Peleg W. Chandler, a leading politician, after alluding to the fact that he was Mr. Sumner's personal friend but "political opponent," said: "It is precisely because I have been and am now his personal friend, and it is precisely because I have been and now am his political opponent, that I am here to-night. . . . Yet personal feelings are of little or no consequence in this outrage. It is a blow not merely at Massachusetts, a blow not



merely at the name and fame of our common country ; it is a blow at constitutional liberty all the world over, it is a stab at the cause of universal freedom. Whatever may be done in this matter, however, one thing is certain, one thing is sure. The blood of this Northern man now stains the Senate floor, and let me tell you that not all the water of the Potomac can wash it out. Forever, forever, and aye, that stain will plead in silence for liberty wherever man is enslaved, for humanity all over the world, for truth and for justice, now and forever."

Edward Everett, too, whose name and influence had always been associated with what was termed the "conservative" side of the great question at issue, spoke strongly of "the act of lawless violence, of which," he said, "I know no parallel in the history of constitutional government"; adding that "for the good name, the peace, the safety of the country, for the cause of free institutions throughout the world, it were worth all the gold of California to blot from our history the record of the past week." Cambridge, too, spoke from the lips of her distinguished jurists, professors, and literary men; Brown University in the strong, terse words of its president; and New York in the eloquent and forceful utterances of some of its most distinguished lawyers and clergymen. Indignation at the cowardly assault, sympathy for the sufferer, and alarm for the future, mingled largely in the sentiments uttered in the burning words which thus found expression and response. Besides, it entered largely into the presidential campaign that soon commenced, and became one of the battle-cries of freedom and of the new party that then appealed for the first time for the suffrages of the nation.

Nor did the interest cease with the tragedy itself and these immediate demonstrations of approval or disapproval. The sequel was more tragic, and, to the thoughtful, far more impressive and replete with its lessons of wisdom and warning. Of the three prominent actors the most audacious, arrogant, insulting, and, for the time being, seemingly most potential, Brooks and Butler, were in their graves in less than

a year ; while Keitt died fighting in a war which destroyed the slave system and swept it from the land. Brooks died suddenly, but not until he had confessed to his friend, James L. Orr, that he was tired of the new *rôle* he had chosen, and heartsick of being the recognized representative of bullies, the recipient of their ostentatious gifts and officious testimonials of admiration and regard.

Nor were all its lessons exhausted at the South. At the North the subsequent developments were equally suggestive and sad. For, notwithstanding the brutality of the outrage and its unequivocal indorsement by the South, a fact fully recognized and properly condemned by those public demonstrations at the North, yet, when the hour of trial came, as it did in the presidential election in the autumn, the very man who had volunteered an apology for the assault was made President, and that largely by Northern votes. Party was thus shown to be stronger than principle, patriotism stronger than philanthropy, regard for the Union stronger than regard for human rights, the fear of man stronger than the fear of God.

## CHAPTER XXXVII.

### THE KANSAS STRUGGLE.

Gathering of troops before Lawrence. — Investigating committee. — Position of the President. — Attempted arrest of free State men. — Call for troops. — Arrests made. — Sheriff shot. — Judge Lecompte's charge. — Governor Reeder. — Governor Robinson's arrest. — The marshal's call for help. — Meeting in Lawrence. — Proslavery outrages. — Atchison. — Lawrence assaulted and pillaged. — Proslavery demonstrations at Leavenworth. — Free State legislature. — Desperate prospects. — Report of investigating committee. — Grow's bills. — Dunn's substitute. — Speeches in the House. — Sherman. — Douglas's new bill. — Abject subserviency. — Great debate. — Appeals to the Republican Senators from Kansas. — Speeches of Wade, Trumbull, Wilson, and Seward. — Bill adopted by the Senate. — Proviso to the army bill. — Adopted by the House but rejected by the Senate. — Committee of conference unable to agree. — Army bill defeated. — Adjournment. — Special session. — Same bill and proviso adopted by the House. — Rejected by the Senate. — House adhere. — Mr. Weller's bill. — Speech of Clayton. — Final passage of the bill without the proviso. — Outlook in Kansas.

As Charles Sumner was closing his masterly portrayal of the Crime against Kansas on the floor of the United States Senate, during the afternoon of the 20th of May, 1856, the armed hosts of slavery were concentrating before devoted Lawrence. And as the hundreds of thousands were reading, the next morning, his graphic description, those hosts stood on Mount Oread, with cannon pointed upon the hated town, ready to plunder, burn, and kill.

Early in April, the Congressional investigating committee arrived in Kansas. Supporters of the Territorial legislature were hostile to the investigation. The President in his proclamation, responsive to the free State memorial asking protection, had declared his purpose to maintain the Territorial legislation, if necessary, "by the whole force of the government." The men of western Missouri, who knew they had made the laws, were prompt in public meetings to offer "our



assistance" for their enforcement. Nor was an occasion for so doing long wanting.

Arriving in Lawrence while the committee was in session, Sheriff Jones attempted the arrest of S. N. Wood, who had been concerned in the rescue of Branson in the November preceding. Failing in the attempt, he called upon the governor for troops. As the Secretary of War had instructed Colonel Sumner to detail troops for the execution of the laws, a squad of dragoons was placed at the sheriff's disposal. With them he entered Lawrence and arrested several persons, and placed them under guard in tents. On the evening of the 29th of April, he was shot at and wounded, while standing at the door of his tent, by Charles F. Lenhart, a young man in the printing-office of the "Herald of Freedom." The act was promptly disowned by the free State men, and Governor Robinson offered a reward of five hundred dollars for his arrest.

Early in May, Judge Lecompte instructed the grand jury to find bills for "constructive treason" against those who intended to resist the Territorial laws, and who had been elected to office under the Topeka constitution. Governor Reeder, who was bitterly hated by the proslavery men, was in attendance on the investigating committee. On the 7th of May, Deputy Marshal Fain summoned him to appear before the grand jury at Lecompton. Reeder declining to go, Fain entered the room of the committee, the next day, with a writ for his arrest for contempt of court. Reeder appealed to the committee, claiming the right of exemption on the twofold ground that he was a contesting delegate for Congress and a witness before the committee. Howard and Sherman thought his position was correct, but Oliver dissented. Reeder, representing his presence to be important to the investigation, expressed the belief that his arrest was intended to embarrass it, avowed his fear that he would not be personally safe in Lecompton, and declared it to be his purpose to avail himself of the privilege of exemption. Instead, however, of returning immediately to Lecompton to report, Fain repaired at once to Franklin, where the Southern volunteers were stationed,

and emissaries were at once sent to Missouri to rouse the people.

A few days afterward, Governor Robinson, who had started for the Eastern States, was arrested at Lexington, Missouri, and retained as a prisoner. Governor Reeder was persuaded to leave the Territory. Disguising himself, he was concealed two weeks at a hotel in Kansas City, whence he effected his escape as a deck-hand on one of the river boats. On the 11th of May, J. B. Donelson, United States marshal for Kansas, made a proclamation to the people. Stating that the citizens of Lawrence had resisted the execution of the laws, he called upon law-abiding men to repair at once to Leecompton in numbers sufficient to secure their execution. The citizens of Lawrence, repelling the allegation, affirmed in public meeting that the sheriff had been resisted "in no manner whatever, nor by any person whatever," excepting in the single case of Governor Reeder. They also avowed their purpose to obey any writs served upon them by the United States marshal, and even expressed their willingness to furnish aid, if so required, for the execution of any such judicial process.

A large number of proslavery men responded to the marshal's proclamation, warlike demonstrations appeared on all sides, travellers were molested and often arrested, and the declaration was made that Lawrence should be "wiped out" and the Abolitionists driven from the territory. Persons sent by anxious citizens to confer with the governor were waylaid and fired upon by them, and otherwise maltreated. Gathering, too, around Lawrence, they committed outrages, seizing horses, cattle, and other articles of property. Atchison again appeared with his Platt County Rifles and two pieces of artillery. The Kickapoo Rangers marched to the same point, and many of the slave State leaders, as if moved by a common impulse, appeared on the ground. Colonel Buford, with his Southern regiment and two pieces of cannon, was at Franklin. Such was the outlook on the evening of the 20th of May.

Early next morning, the inhabitants saw the advanced guard of the invaders drawn up on Mount Oread. Three cannon were planted on the hill, and over this motley crowd waved a

red flag, on which was inscribed "Southern Rights." Fain rode into town with ten men and made several arrests. Returning to Mount Oread, he said he had completed his task, but was ready to assist Sheriff Jones, who had several writs to serve. The latter then entered the town, halted before the Free State Hotel, called for Mr. Pomroy, and required that all arms in the town should be delivered up. After consultation, five small pieces of artillery were given up. The forces, then on Mount Oread, under Atchison, Buford, Stringfellow, and Titus, entered Lawrence, formed a hollow square, and Atchison made a speech, of which Phillips, in his "Conquest of Kansas," says: "It is an odd mixture of drunken enthusiasm, restraining forbearance, partisan ferocity, and profanity." He declared that the hotel and the printing-offices must be destroyed. After effecting the destruction of the latter, they trained their cannon on the former, firing some forty shots upon it. They then attempted to blow it up with powder, and finally set it on fire. Governor Robinson's house was then plundered and burned, as were a large number of houses in the town. About one hundred and fifty thousand dollars' worth of property was stolen or destroyed.

The Congressional committee at Leavenworth was pursuing its investigations, so distasteful to the proslavery men, who rightly apprehended the damaging revelations that would be made. Large numbers of proslavery men, many fresh from the sacking of Lawrence, gathered here, and a public meeting was held. At this meeting the declaration was made that the free State men must leave the Territory. The Kickapoo Rangers and other young Southerners, armed with United States muskets, paraded the streets and arrested Mr. Conway, transcribing clerk of the committee, Mr. Parrott, and some others. They entered the committee-room in search of Mr. Phillips and several others whose names were on the proscribed lists; but Mr. Phillips had escaped through the kind assistance of S. P. Hanscom, one of the clerks of the committee.

The free State legislature met on the 4th of July. Governor Robinson was a political prisoner, and many of the leading free State men were imprisoned or absent. It was a time



of the deepest anxiety and alarm. A free State convention had been held on the day preceding, in which Mr. Hutchinson had introduced a resolution calling upon the legislature to proceed at once to the enactment of a code of laws. The resolution was advocated by himself, Mr. Phillips, and others. A paper was also received by the meeting, signed by Governor Robinson, Judge G. W. Smith, General Deitzler, John Brown, Jr., and several others, who were held as prisoners of State, imploring the legislature to go on and legislate for the protection of the people. But no action was taken.

Governor Shannon had left the Territory, and Secretary Woodson was acting governor. The latter went to Topeka, and there issued a proclamation, forbidding all persons claiming legislative power under the Topeka constitution from organizing. Colonel Sumner, acting under orders from Washington, entered the House of Representatives. The roll was called by the clerk, and this officer remarked that he was about to perform the most disagreeable duty of his life, and that was the dispersion of the legislature. He said his orders were to disperse it; and, in answer to Judge Schuyler, he said he should employ all the force necessary to carry his orders into effect. He then entered the Senate chamber, and in like manner dispersed that body. Colonel Sumner executed his orders and performed his disagreeable task in a manner so delicate and kindly considerate, that, as he rode off, the free State men gave him three rousing cheers.

This legislature unquestionably represented the actual settlers of Kansas. When it was dispersed, the free State cause seemed to be, if not lost, in extreme peril. The Slave Power was for the moment triumphant, and the cause of freedom in that Territory seemed at least under a dark eclipse. The Missouri River was closed against immigration from the north and east, and highway robberies and murders rendered travel unsafe. Proslavery men, flushed with victory, were jubilant and defiant. At a banquet given at Atchison, the declaration was made that the sons of the South would make Kansas a slave State, "or die in the attempt." The brutal sentiment, too, was uttered and enthusiastically applauded, that every pro-

slavery settler should have one hundred and sixty acres of land, and every Abolitionist "six feet by two."

On the 1st of July, Mr. Howard, from the investigating committee, presented a report which was referred to the Committee on Elections, and Mr. Oliver was authorized to take additional testimony, make a minority report, and have it referred to the same committee. The facts, established by the report of the majority, were, that each election had been carried by invasions from Missouri; that the legislature was an illegal body; that the election of Whitefield was not held under valid law; that the election of Reeder was not regular, and was only an expression of the people's choice; that a fair election could not then be held without a new census, a stringent election law, impartial judges, and United States troops; that the election for the formation of a State government had been as regular as the disturbed condition of affairs would allow; and that the Topeka constitution embodied the will of a majority of the people. On the 24th, Mr. Washburn of Maine, from the same committee, reported against Whitefield and in favor of Reeder's claim, Mr. Stephens presenting a minority report. The House, however, voted that neither Whitefield nor Reeder were entitled to seats.

On the 29th of May, Mr. Grow had reported a bill for the admission of Kansas under the Topeka constitution. When it came up, Mr. Stephens of Georgia moved a substitute providing for the appointment of five commissioners, to proceed to the Territory to take a census, and to apportion delegates for a constitutional convention, the delegates to be chosen on the day of the Presidential election. To this substitute Mr. Dunn moved an amendment, to repeal the abrogation of the Missouri compromise. The amendment was carried, and the substitute, thus amended, was defeated. The bill was then defeated by the majority of a single vote. Mr. Barclay, a Democratic member from Pennsylvania, moved a reconsideration, which, after a stormy debate, was carried; the bill passed by a vote of ninety-nine to ninety-seven, and the free constitution received the indorsement of the House.

Early in the session, Mr. Grow had presented a bill repealing

the acts of the Territorial legislature. Mr. Dunn immediately moved a reconsideration of the vote by which the bill was referred to the committee of the whole ; but his motion was not acted on for more than five months, when, on the 29th of July, it was carried. He then moved to substitute a bill. Among its provisions were those suspending all criminal prosecutions, releasing persons confined for political offences, and setting at liberty all slaves remaining in the territory at the end of one year. It also provided for an election of a legislature in November, which legislature was forbidden to pass any *ex post facto* law ; to abridge the freedom of speech or of the press ; to deprive any one of trial by jury ; or to require any one to take an oath "to support any law other than the Constitution of the United States." The substitute was adopted, several Republicans reluctantly voting for it, and the bill was passed by a majority of fourteen. It went to the Senate, was referred, reported against by Mr. Douglas, and laid on the table.

The bill reported by Mr. Douglas, from the Committee on Territories, for the admission of Kansas, had been debated for several weeks, and amendments were proposed until the last days of June, when it, with bills by Mr. Geyer, Mr. Clayton, Mr. Seward, and Mr. Toombs, was recommitted to the same committee. On the 30th, a new bill was reported by Mr. Douglas, it being substantially the bill introduced by Mr. Toombs. It was debated during the first and second days of July with great earnestness and vigor. The debates and votes on amendments revealed anew the entire subserviency of that body to slaveholding behests. This was especially conspicuous in the votes on several amendments offered in the interests of liberty by Trumbull, Foster, Seward, Clayton, and Wilson.

The closing debate on the bill and its amendments, on the 2d of July, lasted twenty hours. The free State members felt, or at least feared, unless the bill could be defeated, that the cause of freedom in Kansas, if not completely overthrown, was put in great peril. Letters, too, and despatches were constantly arriving from the Territory, sent by its leading men, many of whom were under arrest and held as state prisoners, expressing the apprehension that all was lost, unless the pas-



sage of the bill could be prevented, General Deitzler expressing the belief that, if the Toombs bill was passed, freedom would be "entombed in Kansas." Mr. Wade objected to its passage, because the whole power of organizing that Territory was to be in the hands of five commissioners, and he would not consent to place "liberty under the guardianship" of the present executive, for that would make "Kansas a slave State without a struggle." He said he was amazed at the facility with which some men followed "in the wake of slavery." He arraigned Mr. Pugh, his colleague, who had, he said, turned his back upon three fourths of the legislature of Ohio; who "has never breathed here the name of liberty; whose tongue has been employed, since he has had a seat on this floor, in nothing but the advocacy of abject slavery." Mr. Trumbull, too, said the bill was not a "fair proposition," and could not be made so until the parties affected by it were placed upon "an equal footing"; that there could be no fair election so long as free State men were hunted down and liable to constant arrests on "sham process" in the hands of "sham officers." Mr. Wilson said he believed that the passage of that bill would crown the invasion and conquest of the 30th of March, and the border-ruffian legislation. "Kansas," he said, "was conquered, prostrate, powerless." The people were overawed; their presses had been destroyed; many of their leaders were in exile, or were held and guarded by United States soldiers under charges of treason. Lawless bands were driving out and turning back peaceable emigrants. "And now you come," he said, "with your bill to consummate the work. The friends of free Kansas cannot, will not, join with you in this act of crowning infamy." He said that the President had given to Kansas the vile tools of tyranny, the fit associates of border ruffians, who had been the agents for persecuting free State men, and in making Kansas a slave State. The President had been the willing agent and the obedient tool of slavery, and had stood before the Cincinnati convention with "the lurid light of the sacked and burning dwellings of Kansas flashing upon his brow"; but they had averted their faces from him, and had not dared to renominate him.

Mr. Seward compressed into a single and pregnant paragraph the helpless condition of the people of Kansas and the violent and unwarrantable methods by which it had been accomplished. The President, he said, had “perpetrated a *coup d’état*,” by which the constitution given to them by Congress had been “absolutely perverted”; giving him absolute power, in the name and the form of “spurious” authorities, and by which slavery is practically established there already “by force,” while “a portion of the people are slain and a larger portion have been expelled from the Territory,” or “imprisoned within it on the charge of pretended crimes.” An election, under such circumstances, he declared to be “parallel, almost to the point of coincidence, with those which attended the election by which the Republicans of France invested Louis Napoleon with the powers of an absolute despotism.”

But these words of the Republican Senators expressed the views of but a small minority of that body. Their opponents were assured and confident, and by voice and vote sustained the policy of the slave propagandists. Mr. Toombs looked, he said, with contempt upon the claim of Republican Senators to be the rightful exponents of the people of the North. He had heard their “shrieks” before, and their appeals would not be listened to, and they and their authors would be despised. “The folly and baseness,” he said, “of their appeals, were every day apparent. If two men fight in Kansas over a squatter’s claim, and one is killed, it is forthwith heralded over the country as a Southern aggression. If a foul-mouthed Senator gets a caning for an insulting and vulgar speech, this is the last extremity of Southern aggression.” Mr. Pugh thanked God that “the tide of fanaticism was ebbing away,” and he appealed to the people of Ohio against the resolutions of their legislature. Mr. Reid of North Carolina wanted it distinctly understood that the Union could not last if the people of the North should adopt the views entertained by the Senator from New York, the Senator from Massachusetts, and those who co-operated with them. Even Mr. Crittenden deprecated the rejection of the proposed constitution; for though, he said, there might have been defects in Kansas legislation, it was

better than no laws. "When your patient," he said, "is in extremities, you apply this fatal remedy of anarchy." Mr. Clayton, though characterizing some of the laws of this illegal legislation as "most unjust and oppressive," counselled submission, even though, he said, "they should prove by thousands of witnesses that the legislature was elected exclusively by Missourians, and that there was not a single inhabitant of Kansas at the election." Such counsel from such a man betokened a strange confusion of ideas and the sad demoralization of that dark hour. After this prolonged debate, the bill was passed by a vote of thirty-three to twelve, in the language of a Senator, "three or four hours after sunrise."

The friends in the House, having failed in everything else, sought to secure their purpose, or, rather, to avert the threatened disaster, by attaching to the army bill a proviso forbidding the employment of United States troops for the enforcement of the Territorial laws. It provided that, until Congress shall have passed on the "validity" of the enacting body and of the laws of its enactment, the President shall preserve the peace, and "protect persons and property" on the national highways from "unlawful searches and seizures." It required, too, the President to disarm the organized militia of the Territory, to recall all arms distributed therein, and to prevent armed men from going to "aid in the enforcement and resistance of real or pretended laws." The Senate rejected the amendments. But the House firmly adhered to its position. Committees of conference were appointed, but they failed to agree. The army bill was lost, and Congress adjourned without passing that important measure.

The President immediately called a special session to meet on the 21st of August. On assembling Mr. Campbell introduced, from the Committee of Ways and Means, the self-same bill and proviso which had passed the House at the previous session. Mr. Stephens offered a substitute, leaving out the proviso. The House being brought to a direct vote, the bill was adopted by a vote of ninety-three to eighty-five. In the Senate, Mr. Hunter moved to amend it by striking out the "obnoxious" proviso. The motion was put without debate, and



carried by a vote of thirty-six to seven, and the bill, thus amended, was carried by the same vote.

Mr. Weller of California, though a Democrat and violently partisan in his feelings, introduced a bill, the purport of which, in his own language, was to "wipe out" those laws so infamous in their character that he "would not have them stand on the statute-book of any of the Territories of this Union," violating "not only the organic law, but the Constitution of the United States." Though coupling the existence of such laws with what he stigmatized as "the extraordinary efforts of New England aid societies," he spoke of them as "infamous," and "revolting to every feeling of humanity." Alluding to the law that forbade free discussion of the very question at issue, he spoke of it as "the most atrocious act that ever found its way on to the statute-books of a free people."

This bill introduced, he admitted, on his own personal responsibility, was not acceptable to the members of the Democratic party; but its discussion was particularly noteworthy, because of the admissions made by its mover and others, and because of the position assumed by the Democratic members and leaders. Mr. Weller expressed his great regret that he had incurred the displeasure of his political friends, and he united with them in laying the bill on the table.

On a motion to proceed to the consideration of another message from the House announcing its adherence to its vote, an earnest speech was made by Mr. Clayton, in which special attention was given to the atrocious laws. Mr. Clayton, though representing a slaveholding State, denounced them in unmeasured terms as "unjust, iniquitous, oppressive, and infamous." Of the law forbidding free discussion he said, it is "an act as egregiously tyrannical as ever was attempted by any of the Stuarts, Tudors, or Plantagenets, of England; and yet," he added, "this Senate persists in declaring that we are not to repeal that."

But the Senate remained inflexible, and allowed no considerations of philanthropy, patriotism, or even of party necessities, to interfere with what had become so completely absolute and controlling,—the demands of slavery. Anew did the

majority afford examples of the vaunt that "the South has no traitors." Administration leaders themselves were willing to imperil the government and cripple its operations by withholding needful appropriations rather than resist the demand of the Slave Power to support the border-ruffian policy of Kansas. If the dead lock was to be broken, others must yield, and other interests must give way. Nor was it doubtful, perhaps, from the first, which section would furnish the recreant ones. The House yielded, reversed its action, and thus closed this unprecedented contest by concurring in the Senate amendment by a vote of one hundred and one to ninety-eight.

The nearly equal division of parties in the House, and the large preponderance of proslavery strength in the Senate, had prevented any legislation, the action of the House being rejected by the Senate, while the proslavery measures, passed by the latter, failed of receiving the support of the former. The friends of free Kansas had been earnest, vigilant, and brave, but all they could achieve was in the form of reports of committees, the introduction of measures, and earnest debates. The conflict, bitter and sanguinary, still raged in the Territory. There outrage and robbery, arson and murder, held high carnival, and the resistance and courage they provoked revealed and illustrated the earnestness of purpose that animated and impelled the free State settlers. This stern strife, while it afforded signal examples of the audacity of crime and the barbarism of slavery, exhibited also rare illustrations of devotion, endurance, and the martyr spirit of liberty.

## CHAPTER XXXVIII.

### PRESIDENTIAL CONVENTIONS AND ELECTION OF 1856.

Convention of American party. — Previous meeting of National Council. — The disturbing question. — Killinger's resolution. — Antislavery speeches. — Fillmore nominated. — Seceders' convention. — Banks nominated. — Republican convention at Pittsburg. — Francis P. Blair. — Speeches of Greeley, Lovejoy, and Giddings. — Address. — Speeches. — Letter of Cassius M. Clay. — Nominating convention. — Speeches of Mr. Wilson and Caleb B. Smith. — Platform. — Nomination of Fremont and Dayton. — Letters and debate on the North Americans. — Democratic convention. — Buchanan nominated. — Platform. — Whig convention. — Indorses American candidates. — Nomination of Stockton and Raynor. — Buchanan's and Fillmore's letters of acceptance. — Excited canvass. — Conflict of principles. — Circular of Governor Wise to Southern governors. — Responses. — Meeting at Raleigh. — American Antislavery Society. — "Uncle Tom's Cabin." — Results of the election.

THE convention of the American party met in Philadelphia on the 22d of February, 1856. Three days previously, the National Council had met in the same city. It was composed mostly of the same gentlemen who were to constitute the nominating convention. During these three days, slavery was the exciting topic of debate. The antislavery members pressed the adoption of resolutions in harmony with their principles; but the conservatives resisted successfully the introduction into the platform of anything to commit the Order to the principles or purposes of emancipation.

On the assembling of the convention, which was called to order by William G. Brownlow of Tennessee, an organization was effected by the choice of Ephraim Marsh of New Jersey for president. The disturbing question immediately revealed its presence. A resolution was introduced by Mr. Killinger of Pennsylvania, protesting against the assumed authority of the National Council "to prescribe a platform of principles for this nominating convention," and asserting that "we will nominate, for President or Vice-President, no man who is not



in favor of interdicting the introduction of slavery into territory north of  $36^{\circ} 30'$  by congressional action. An angry debate ensued, in which Mr. Coffey of Pennsylvania spoke eloquently for the antislavery members. "We are Americans," he said, "and we will fight for our principles, but we will not stand on a platform which ignores our position upon the vital question of the day"; and he warned Southern members and Northern doughfaces that their course would "result in overwhelming and disgraceful defeat." But the resolution was laid upon the table. On the motion to proceed to vote for candidates an exciting debate arose, but it was carried. Mr. Perkins of Connecticut denounced the course of the majority. "There are," he said, "two great questions before the American people": the one, "of reform in the naturalization laws,—and that we are agreed in"; the other, "What shall be done about the restoration of freedom to Kansas?" He invited the delegates from Connecticut, and all who agreed with him, to retire from the convention, and about fifty responded to his invitation.

Upon a formal ballot for the nomination, Millard Fillmore received one hundred and seventy-nine votes, and he was declared the candidate. Andrew J. Donelson, adopted son of President Jackson, received the nomination for Vice-President. The antislavery delegates then issued an address to "The American Party of the Union"; and a protest was signed by those who supported George Law and Sam Houston.

During the closing weeks of 1855, a call, signed by the chairmen of the Republican State committees of Ohio, Massachusetts, Pennsylvania, Vermont; and Wisconsin, was issued for an informal convention at Pittsburg, on the 22d of February, for the purpose of perfecting the national organization and of making provision for a nominating convention to select candidates for President and Vice-President. The convention met in obedience to this invitation, was called to order by Lawrence Brainard of Vermont; and John A. King, son of Rufus King, subsequently governor of New York, was made temporary chairman. The venerable Francis P. Blair was elected president. On taking the chair, he read an elabo-

rate paper setting forth with precision and power the views entertained by the Republicans of the border States. Speeches were made by Mr. Greeley, Mr. Giddings, and Mr. Lovejoy. Mr. Greeley counselled caution, conciliation, and an earnest effort to secure recruits from both the South and the American party. Mr. Giddings deprecated half-hearted counsels and measures, and urged the convention to adopt an independent policy. Mr. Lovejoy made an uncompromising speech. The committee on organization reported that there should be a national executive committee; that a national convention should be held on the 17th of June for the nomination of candidates for President and Vice-President; and that the Republicans of each State should form a State organization. Mr. Mann of New York, from the committee on an address, presented a paper of great length, which closed with three resolutions. The first demanded, and pledged the party to labor for, the repeal of all laws which allowed the introduction of slavery into territory once consecrated to freedom, and declared its purpose to resist by all constitutional means the existence of slavery in any of the Territories of the United States; the second pledged Republicans to support, by every lawful means, our brethren in Kansas in their constitutional and manly resistance to the usurped authority of their "lawless invaders," and to use their political power in favor of "the immediate admission of Kansas to the Union as a free State"; the third expressed the belief that the continuance of the national administration was "identified with the progress of the Slave Power to national supremacy," and averred it to be a "leading purpose" of the new party "to oppose and overthrow it."

During the convention, earnest, eloquent, and hopeful speeches were made by Preston King of New York, John C. Vaughan and Charles Remelin of Ohio, and George W. Julian of Indiana. James W. Stone of Massachusetts, one of the most effective workers and organizers of that State, reminded the convention that the American party had succeeded in that commonwealth because it avowed itself to be the most anti-slavery party of the State; and he pointed "to the personal



liberty law, passed by an American legislature, and the election of Henry Wilson, as evidence of that fact."

A letter was also received from Cassius M. Clay. It was an impassioned utterance, and presented from a Southern standpoint, with the authority of personal knowledge, and in language singularly forcible and felicitous, his convictions of what the Slave Power had accomplished, what its ultimate purposes were, and the grounds of fear that it might succeed. Tracing its aggressions and its advance towards nationalizing slavery, he said: "The oligarchy of the three hundred thousand slaveholders no longer conceal their purposes, or deny their assumptions. Not only the blacks, but the whites, of the South have lost their liberties. Nominally free, they have long since ceased to be a third estate in the slave States. They have no social equality, no political force, no moral influence. Steeped in ignorance and poverty, the privileged class neither respect their opinions nor regard their power. . . . The reign of terror has done its dread work; from the press, the pulpit, and the stump there comes no word of remonstrance. The horrors of mob law have crushed out the spirit of the once gallant yeomanry of the South. Despair has seized upon their brave hearts; weeping, bleeding, dying, we sink down into our voiceless woe."

The nominating convention of the Republican party was held in Philadelphia on the 17th of June. It was called to order by Edwin D. Morgan of New York; prayer was offered by the Rev. Albert Barnes; and Henry S. Lane was chosen president. In his address, the latter spoke of the anniversary of Bunker Hill as a fitting time "to inaugurate a new era in our history, the regeneration and independence of the North." A follower of Henry Clay, he was yet impelled by the Nebraska swindle to sacrifice party predilections, and his "love for old ties was laid beside the Kentucky patriot in the grave." Mr. Wilson counselled "the same lofty self-sacrifice and patriotism," to "lay a foundation for the union of all parties to save the Republic." He called upon the Whigs to remember the words of Daniel Webster, their great leader; upon the members of the Democratic party to "come and make a true



Democratic party"; upon "the Americans, who profess exalted patriotism," to "unite with us and save the first principles of American liberty."

Caleb B. Smith of Indiana, responding to the calls of the convention, affirmed that slavery had ever been aggressive and had swallowed up every party in the South or brought it into subjection. The aim of the Republican party, he said, was more national than any party since the days of Washington, and it was for that party to "assert and maintain the nationality of freedom, and extend liberty wherever the flag of our country waves." Mr. Lovejoy of Illinois said: "It is not the destiny of America to go filibustering over the continent conquering new territory to plant slavery in; but it is her mission to maintain and illustrate the self-evident truths of the Declaration of Independence." Charles Francis Adams urged unity and harmony of action. He asked members to consider that "the enemy was listening and working."

Mr. Wilmot presented a platform of principles, which was adopted by the convention. After reciting the causes which led to the formation of the new party and some of the principles of its organization, and reasserting the self-evident truths of the Declaration of Independence and the duty of government to maintain them, it denied that Congress, or any other body, had any power to "give legal existence to slavery in any Territory of the United States." It asserted the "sovereign power" of Congress over the Territories, and its right and duty "to prohibit in the Territories those twin relics of barbarism, Polygamy and Slavery." It spoke of the Ostend circular as embodying the highwayman's plea that "might makes right," and as "in every respect unworthy of American diplomacy." Referring to the fact that the Constitution was framed for the purpose of insuring domestic tranquillity, it recited the outrages that had been perpetrated on the settlers of Kansas, and declared that, "for this high crime against the Constitution, the Union, and Humanity, we arraign the Administration, the President, his advisers and agents, before the country and before the world."

Upon the first ballot for candidate for the Presidency,

John C. Fremont received three hundred and fifty-nine votes and Judge McLean one hundred and ninety-six. Mr. Fremont was then unanimously made the candidate. For Vice-President, William L. Dayton, receiving much the larger number of votes, was unanimously selected. Among the votes were one hundred and ten for Abraham Lincoln.

The seceders from the American convention had met on the 12th in New York. After organization by the choice of Robert Conrad of Pennsylvania as presiding officer, the first day was spent in speeches, of which it was said that "the speakers seemed to be concurrent on the subject of uniting all the Northern elements of opposition to slavery, without, however, impairing the organization of the American party." A letter was received from Mr. Morgan, chairman of the Republican National Executive Committee, inviting the co-operation of all opposed to the proslavery principles of the dominant parties in an effort to choose a President opposed to such a policy, expressing, too, the belief that it could be effected, but only as "all who agree in sentiment can be brought to act for a common object." The paper was referred to a committee of one from each State. On the fourth day, Nathaniel P. Banks of Massachusetts and William F. Johnson of Pennsylvania were put in nomination for President and Vice-President. In one of the resolutions adopted was a declaration for "freedom of speech, freedom of the press, free territory, and free Kansas." A committee was chosen to confer with the Republican committee and General Banks, of which George Law was chairman.

The letter of Mr. Law to Mr. Morgan, in reply to the invitation extended by the latter, coming up in the Republican convention, Mr. Littlejohn of New York moved its reference to a committee of one from each State; but, on motion of Mr. Giddings, it was laid on the table. After the ballot for a candidate for the Presidency, Mr. Giddings said that, contrary to his own judgment, but in deference to the wishes of others, he moved a reconsideration of the vote by which the resolution was laid on the table. In the debate on that motion Mr. Littlejohn, Hoar and Eliot of Massachusetts, and ex-Governor

Cleveland of Connecticut, expressed the belief that these men were "sincere lovers of freedom," and advocated the reconsideration of the motion and the reception of the letter. Dr. Gazzam of western Pennsylvania said that the Americans of his State had adopted an open organization, and were sincere Republicans. Mr. Root of Ohio then moved the reconsideration of the vote, and the letter was referred to the committee on the platform.

Congratulatory speeches were made amid great enthusiasm. John P. Hale, though not a member, was invited to address the convention. He reminded its members that they had not assembled to say whether or not the Union should be preserved, but to say whether or not it should be "a blessing to the people, or a scorn and a hissing the world over." Referring to the scenes transpiring in Kansas, he said: "We are living in the harvest-time of a proslavery Democracy. They have sown their seeds; they have germinated, budded, blossomed, borne fruit; and now the historian is writing its history in the blood of our fellow-citizens on the plains of Kansas."

Mr. Wilson said that they "had formed a platform that embraced freedom, humanity, and Christianity," — a "pure Christian democracy." "This," he said, "is the moment of revolution, — a revolution of liberty, humanity, and Christianity, — and it is your duty, each and all of you, to labor and to hope on, until we establish the principles embodied in this platform in the government of the country." Samuel C. Pomeroy spoke for Kansas, and for the men in the Territory who, he said, would not be slaves, for they had not the marks of servitude "written on their backs or inscribed on their foreheads. They have come here from their desolate homes with drooping heads and trembling hands, but they are now inspired with hope, for they find friends ready to aid them."

The convention of the Democratic party, for the nomination of candidates for the Presidency and Vice-Presidency, met at Cincinnati on the 2d of June. General John Ward of Georgia was chosen president. There were marked differences of opinion on both the platform and candidate, the former not being accepted until the third day, and the latter selected only on the seventeenth ballot.



The candidates before the convention were Buchanan, Pierce, and Douglas. But the latter two had been so complicated with the exciting and pregnant questions which were distracting the country that it was impossible for either to command the requisite vote, and James Buchanan, who had been out of the country as minister to England, during the troubles growing out of the repeal of the Missouri compromise, was taken up, as, on that account, less obnoxious to the country. On the sixteenth vote, Mr. Buchanan received one hundred and sixty-eight of the two hundred and ninety-five votes cast, and Mr. Douglas received one hundred and twenty-one, the highest number he received during the several ballotings. On the next ballot, the former received the unanimous vote, and was declared the candidate of the party. John C. Breckinridge was chosen candidate for Vice-President, on the second ballot, by a like unanimous vote.

In its platform of principles it adopted the "Baltimore resolves of 1852"; reiterated, "with renewed energy of purpose, the well-considered declarations of former conventions upon the sectional issue of domestic slavery"; reaffirmed "the principles contained in the organic laws establishing the Territories of Kansas and Nebraska," and the compromises of 1850, "ratified by the people in the election of 1852, and rightly applied to the organization of the Territories in 1854"; and recognized "the right of the people of all the Territories, including Kansas-Nebraska, to form a constitution with or without domestic slavery, and to be admitted into the Union upon terms of perfect equality with the other States." With popular sovereignty upon its lips, and expressly denying the right of interference by Congress with slavery in the Territories, it limited, by implication at least, the right of the people of the Territories to regulate slavery, by the condition that they must have a sufficient number of inhabitants to form a State. The only conclusion to be drawn from its resolutions was that the power of the people of the Territories over slavery was in abeyance while in its Territorial condition. "Alas for short-lived territorial sovereignty!" exclaimed Mr. Hamlin in the Senate a few days afterward; "it came to its death in the house of

its friends ; it was buried by the same hands that had given it baptism."

The abasement of the Whig national convention in 1852, and the action of the Southern Whigs in favor of the repeal of the Missouri compromise, had demoralized, disrupted, and disbanded that party. A few, however, still claimed the name, and sought to reorganize its thinned and broken ranks. They met in national convention on the 17th of September, in the city of Baltimore. Edward Bates of Missouri, afterward Attorney-General under Mr. Lincoln, presided, and the American ticket of Fillmore and Donelson was indorsed. In the discussions of the meeting, they referred to the disordered condition of things, and "the civil war" in Kansas, and traced them "to the culpable neglect of duty by the present national administration." Proclaiming their opposition to sectional parties, they declared that the agitation convulsing the nation must be arrested, "if we would preserve our Constitution and our Union from dismemberment, and the name of America from being blotted out from the family of civilized nations." They expressed unbounded confidence in Mr. Fillmore, for "his inflexibility in executing the laws." Declaring that "civil war is raging, and that the Union is in peril," they professed to regard his restoration to the Presidency as the best, if not the only, means of restoring peace. A portion of the Americans, too, being dissatisfied with the action of their convention, put in nomination a separate ticket, and selected as their candidates Commodore Stockton of New Jersey and Kenneth Raynor of North Carolina.

Such were the nominating conventions of 1856. Unprecedented in number, and held under the deepest excitement, they took color and character from the disturbed condition of affairs, and from the division and disintegrating process which the slavery question was producing all over the land. But, while this element of discord and division was thus marked, there were developing new elements, resulting in new affinities and new tendencies to cohesion, which reduced the five tickets to three, and the contest was practically between Fremont, Buchanan, and Fillmore. Banks and Johnson declining, those

who put them in nomination voted for Fremont and Dayton. Stockton and Raynor being withdrawn from the contest, their friends generally transferred their support to Fillmore and Donelson.

Mr. Buchanan accepted the nomination in a letter fully indorsing the Democratic platform, indeed almost sinking his personality in becoming its representative and embodiment. In a conversation with Albert G. Brown, a Mississippi Senator, a few days after the convention, he so fully indorsed the Southern side of the questions at issue as to extort from that Senator the remark that he was "as worthy of Southern confidence and Southern votes as ever Mr. Calhoun was." Mr. Fillmore was in Europe when his nomination was made. He soon afterward returned, and, in a speech at Albany, took intensely Southern, not to say revolutionary, ground. He predicted the most serious consequences, should the Republicans succeed, and he justified the South in regarding such success as sufficient warrant for violence. "If this sectional party succeeds," he said, "it leads inevitably to the destruction of this beautiful fabric, reared by our forefathers, cemented by their blood, and bequeathed to us as a priceless inheritance."

A canvass inaugurated by such a preparation, by such scenes of violence and blood in Kansas and on the Senate floor, by such utterances of party platforms and party candidates, and by such sectional demonstrations of Southern leaders, could not but be earnest and in the highest degree animated. The Republicans, not hampered by a Southern wing with its prescription and proscription, and "running without weights," sought freedom for others all the more heartily because they had become free themselves. As never before it was a conflict of principles, not of political economy and commercial greed alone, but in the higher range of morals and religious obligation. For questions of tariffs, banks, internal improvements, and the like, were substituted those of philanthropy, true patriotism, and a wise statesmanship; of human rights and the higher law. Never had the nation been taken up to so high a plane of feeling, thought, and action; never had it been confronted with questions of such pregnant interest and importance.



As never before had such use been made of weapons drawn from the armory above, so never had the pulpit and the religious and reformatory press lent such aid in a political struggle.

There were, too, other subsidiary influences that helped to swell the volume of Republican thought and feeling. Among them were the inflexible purposes and persistent labors of the American Antislavery Society and its affiliated associations. Though their members cast no votes, and they discarded all political action, they contributed to the result aimed at by the new party of freedom. By orators and presses, meetings and conventions, they made constant warfare on the slave-system, and kept before the people the woes of the slave and the machinations of the Slave Power. During what might be termed the terrible "seven years' war," beginning with the compromises of 1850, including the abject surrender of the great parties in 1852, the merciless enforcement of the Fugitive Slave Act, the Kansas-Nebraska legislation of 1854, the assault on Mr. Sumner and the border-ruffian policy in Kansas in 1856, they denounced, with unsparing words, this systematic attack upon the rights of man and the integrity of the nation. Their independence of sect or party contributed to this result. Absolved from all responsibility for either, they analyzed, perhaps, more closely, and described more faithfully, the evil they so fiercely condemned and so fearlessly exposed.

But many who were convinced by their arguments against slavery could not adopt their proposed measures for its removal. Their diagnosis of the disease they were forced to admit, but they were not persuaded to accept the remedy prescribed. But, while their own numbers were not increasing, perhaps diminishing, they were impregnating the North with antislavery ideas and increasing the number who abhorred and hated slavery and were in a waiting posture to welcome just such an agency as the Republican party promised. Equally pronounced in its hostility to the vile system, it, at the same time, was proposing a remedy that seemed less revolutionary, more reformatory, practical, promising, besides being less in conflict with their feelings of patriotism for the country and of reverence for the church.

Another potent influence which doubtless entered largely into the canvass had been the publication and wide-spread perusal of "Uncle Tom's Cabin." It was both a revelation and a summons. It revealed what existed here, and, as with trumpet blast from another world, it called upon the people to repent and purge themselves from the great iniquity. It was as if a vast panorama had been suddenly unrolled, on which the gifted artist had portrayed with vivid colors the scenes of cruelty and shame, of suffering and sorrow, to which slavery gave rise, and those of noble daring and Christian self-sacrifice, to effect and aid escape therefrom, and these pictures had been burned into the popular mind and heart by the very fervor of the genius that inspired and wrought them. Nor can it be doubted that many minds, in perusing that work, had found the needful preparation for the arguments and appeals of Republican presses and speakers that were so soon to follow, and that many votes cast for Fremont were but the rich fruitage of seed so widely broadcast by Harriet Beecher Stowe. Nor was its influence confined to this country. It crossed the seas. Translated into an almost incredible number of languages, and circulated in unprecedented numbers in every country, city, and court of Europe, it excited like abhorrence of the system it so vividly portrayed, kindled sympathy with efforts for its extirpation, and evoked hearty goodwill and earnest good wishes for the new party of freedom.

On the other hand, the arguments which the supporters of Buchanan and Fillmore most frequently employed were those of alarm and menace. The most direful consequences were predicted and the most belligerent threats were fulminated everywhere, designed and well adapted to affright the timid, and especially to disturb the moneyed interests. Senators Slidell and Toombs declared that, in case of Fremont's election, the Union would, and ought to be, dissolved. Senator Butler said: "I shall advise my legislature to go at the tap of the drum." Mr. Keitt declared that "adherence to the Union is treason to liberty." Indeed, in every form and with frantic emphasis did the leading men and presses of the South utter threats like these.

Governor Wise was conspicuous in that canvass for his zealous support of the Democratic ticket, because it maintained, he contended, the rights of the South. At a ratification meeting in Richmond, soon after the nomination, he unhesitatingly declared, in a speech of marked ability, purpose, and boldness, that Mr. Buchanan had ever been true to the interests of the South, "as reliable as Mr. Calhoun himself." Alarmed, in view of the possibility, if not probability, of the election of Fremont, he sent a circular, about the middle of September, to the Democratic governors of the Southern States, proposing a meeting at Raleigh on the 13th of October, to take into consideration the condition of the country. To this circular Governor Bragg of North Carolina replied, under date of the 19th. He expressed his dread of a disastrous result in the approaching Presidential election, concurred in the propriety of the meeting, and consented to be present. Governor Adams of South Carolina, under date of the 23d, replied that he would cheerfully meet the men invited at Raleigh, and pledged South Carolina to "joyously follow" in any measure that would bring security to the South. On the 24th, Governor Ligon of Maryland wrote that he thought the proposed meeting premature; that it would not be attended with beneficial results; and that it would injuriously affect the election of Buchanan. Four days afterward he wrote that such a collection of governors of Southern States would be regarded as preliminary to some decided action in the event of a certain contingency, and would injure the Democratic party in Maryland. Governor Winslow of Alabama responded on the 26th, and stated that if the meeting took place he would not be absent. On the 11th of October, he again wrote that he would second and support any line of policy that might be decided upon. He thought, if the governors of Virginia and North Carolina would meet, the Southern States would adopt any policy suggested, if it was only "bold enough"; if not, he said, they had only "to sink down in abject acquiescence until made to move like the terrapin, with burning coals on his back." Governor Broome of Florida wrote, on the 7th, that the objects of the meeting met his hearty concurrence,



and that it would give him great pleasure to meet "the executives of the Southern sisterhood in conference." The people of Florida, he thought, would stand shoulder to shoulder with the Southern States on the Georgia platform of 1851. Under date of 9th of October, Governor Wickliffe of Louisiana, who had telegraphed that he would attend the meeting, wrote that subsequent reflection had convinced him that the proposed meeting would "militate against the union of the South." He thought the meeting would be considered as having for its object the election of Buchanan, and would be considered solely as a Democratic movement. Governor Wickliffe, as did some of the other governors, wrote that the exclusion of the governors of Kentucky and Missouri, representing the American party, might be construed into a declaration that they were untrue to the South, and would tend to embitter them against any recommendation that might be made.

The governors of Virginia and South Carolina met the governor of North Carolina at Raleigh. The governors of the other Southern States either refused or were unable to be present. But no action whatever was taken. The object of this movement at the time was generally understood to be either a dismemberment of the Union or resistance within it, and, as such, it tended to alarm timid and conservative men at the North. But Governor Wise, in a letter to Mr. Wilson, under date of November 5, 1873, after declaring that he had always been "a friend of the Union," writes: "My anxious desire and most zealous motive was to do all I could to prevent intestine war and guard against disunion; and, if that could not be done, to provide for the safety and protection of Virginia in a war which might come, and which I was sure would come unless a convention of all the States could be assembled to avert its dangers." Saying that it was his main object "to call a national convention in the Union," but that "it had too many enemies of the Union to contend with," he added: "I shall die in the conviction that if a convention of all the States could have been then held, that war would have been averted."

These threats and movements exerted no little influence

on the canvass. Many, especially manufacturers, merchants, and bankers, were prevented from voting the Republican ticket, though they could not but approve the doctrines of its platform, while constrained to vote for candidates whose principles they must condemn. The canvass resulted in the election of Mr. Buchanan, though he lacked more than three hundred and seventy thousand votes of a majority, Mr. Fremont receiving more than one million three hundred and forty-one thousand votes.

This Democratic victory was a severe blow to Republican hopes and to all liberty-loving men. Its lessons could neither be gainsaid nor ignored, for they were burned into the hearts of all who had participated in this heated canvass. They saw that, notwithstanding the constant antislavery agitations of twenty-five years, which had enlisted the ablest tongues and pens, and spread before the people by voice and press, by pulpit and platform, not only the primal truths of human rights, but the grim and abhorrent facts and features of the slave system; notwithstanding the high-handed aggressions of the Slave Power, all fully and even ostentatiously indorsed by the victorious party, in whose platform they had been made the prominent and commanding articles;—notwithstanding all this, done with purpose and without concealment, the people, with seeming deliberation, had adopted it and made it their own. Though the Slave Power seemed more firmly seated than ever, and more securely enthroned; though the cries of “bleeding Kansas” lingered in the air, its soil was still moistened with the blood of the victims of slaveholding hate, and its skies were yet murky with the smoke of burning and desolated homes, the people seemed willing to make public record of their subserviency, stronger the chains of the slave, and more hideous their own ignoble vassalage.

## CHAPTER XXXIX.

### THE DRED SCOTT CASE.

Domination of the Slave Power. — Over the Judiciary. — Dred Scott "Case." — One of a series of slaveholding aggressions. — His history. — Famous opinion. — Points of the case. — Conflicting opinions. — Question of citizenship. — Historical survey. — Adverse to the negro's claim. — Declaration of Independence and Constitution. — Not a question of law. — Ulterior purposes. — Line of argument. — Judge Daniel. — Slavery national. — Dissenting opinions of Justices McLean and Curtis. — Strong and significant language of Judge McLean. — Argument of Judge Curtis for negro citizenship. — General indignation and alarm. — Opinion severely condemned. — Mr. Benton's review. — Characterization.

JOHN QUINCY ADAMS'S characterization of the workings of the Federal Constitution with its proslavery provisions, that it made "the preservation, propagation, and perpetuation of slavery the vital and animating spirit of the national government," was no more terse than true. No language less strong and severe would fully and fitly describe its terrible history. Nor was that influence anywhere more marked than on the judiciary. There, instead of even-handed justice, was its most shameless prostitution, and judges, instead of being "just, ruling in the fear of God," gave unmistakable evidence that their rulings were rather given in "fear" of the almost omnipotent Slave Power. And nowhere was this ever more apparent and distressing than in what was familiarly termed "The Dred Scott Case." In that "case," with its antecedent and attendant facts, there was much to alarm. Its interpretations and rulings were untrue in fact, barbarous in spirit, absolutely revolutionary in their scope and intent, inhuman towards the black, and despotic and defiant towards the white population of the land. It came, too, after and apparently as the sequel and culmination of new slaveholding aggressions, beginning with the compromises of 1850, followed up by the more disas-



trous legislation of 1854, the border-ruffian policy in Kansas, and its full indorsement by the President, by Congress, and by the Democratic party. In it the Supreme Court not only gave a similar indorsement, but exhibited a forwardness to give it, a willingness, indeed, to go out of the way to do it. It was felt to be both an index and a presage, a milestone far in advance of any yet reached in that disastrous journey the nation was travelling so rapidly towards one of the alternatives of which Mr. Lincoln had spoken when he predicted that the nation must ultimately become "all slave or all free."

The "case" was that of Dred Scott of Missouri, formerly, with his wife, a slave of a gentleman of that State, though subsequently sold to John F. A. Sandford of New York. During the ownership of his former master he had been taken into Illinois, and also into a portion of the northwest territory, now Minnesota. Being taken back to Missouri, he had unsuccessfully sued for his freedom on the ground that he had been taken into a free State. After being purchased by Mr. Sandford, he sued again in the circuit court of St. Louis County, and obtained a favorable decision. His new owner, however, appealed to the supreme circuit court and obtained a reversal. The case now under consideration was on an appeal to the Supreme Court on a writ of error. It was on this appeal that Chief Justice Taney gave utterance to the sentiment, which has been the subject of so much remark and animadversion, that "the black man has no rights which white men are bound to respect." It may be said, however, that he did not so much proclaim this as his personal opinion — though it evidently was — as that this was his interpretation of history, both European and American. Whether his interpretation was true or not, and whatever might have been his individual opinion, this was his method of placing the sentiment before the court, the nation, and the world.

By a singular coincidence and confluence of circumstances, the necessities of an individual, and the exigencies of a section and faction, this claim of a single unknown slave was made the occasion of a decision more radical in its character, more sweeping in its reach and range, and of greater notoriety,

than any single case in court or congress, since the formation of the government. The points raised were mainly three. To show that the court had no jurisdiction in the case, it was necessary to make it appear that Dred Scott was not a citizen of the United States, and therefore that he could not bring a suit. To show that taking him into a free State did not vitiate his owner's claim, it was necessary to disallow the principle that such transit did thus inure to his detriment, as had been generally recognized by the courts. To "make assurance doubly sure," it was deemed necessary to prove, too, that the Missouri inhibition was unconstitutional. There were other points, legal and technical, which became the occasion of much discussion in the court, and on which there was much difference of opinion. Indeed, this conflict of sentiment on the side issues and incidental questions that came up did much to break the moral force of the *obiter dicta*, the extra-judicial opinions which the Chief Justice and other members of the court pronounced on the occasion. A contemporaneous critic thus puts it: "Four judges are of one opinion; two of the opposite; two will give no opinion, and one is divided. . . . There is no majority in favor of anything, but a majority against everything suggested; unless it should be claimed that Judge Grier is in favor of something." On another point he writes: "The result is that three judges are for reversing the decision of the court below on the plea of abatement; and six are against the reversal,—two because that decision is right, one because this court has no authority to examine it, and three without giving any reason. There is no majority for anything,—to reverse, affirm, or waive."

On the question whether the plaintiff had a right to sue in the courts arose the inquiry whether he was a "citizen." On this the Chief Justice said: "This is certainly a very serious question, and one that now for the first time has been brought for decision before this court. . . . Can a negro, whose ancestors were imported and sold as slaves, . . . become entitled to all the rights and privileges and immunities guaranteed by that instrument to a citizen?" In reply he entered upon an elaborate examination of the *status* of the negro, both in

“every European nation” and in this country. At the time of the formation of our government, he said, “they had, for more than a century before, been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relation; and so far inferior that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit.” This “opinion,” he said, was “fixed and universal,”; “an axiom in morals as well as in politics”; “uniformly acted upon by the English government and English peoples”; “imposed upon the colonies,” and fully exemplified in their “legislation,” samples of which he gave. These were, he said, “a faithful index” of the state of feeling towards the negro, and of “the degraded condition of this unhappy race.” In opposition to the argument that the strong language of the Declaration of Independence concerning the equality of “all men” militated against this view, he said it was plain that its authors did not in their avowal “embrace the negro race, which, by common consent, had been excluded from civilized governments and the family of nations, and doomed to slavery.” Culling from the acts of the legislatures and courts, especially of the Northern and Eastern States, those provisions which discriminated against the colored race, especially in the matter of intermarriage, serving in the militia, and attending schools, he pointed to them as a triumphant refutation of the idea that the two races were regarded as equal. Though these States had abolished slavery, he gave them no credit for moral principle in the matter; but he contended that it was for prudential reasons, and not from religious convictions. With such a state of feeling and opinion at the time of framing the Constitution, he contended that the idea could not have been entertained that negroes were citizens; indeed, “the only two provisions which point to them and include them treat them as property.” He also quoted from the opinions of William Wirt and Caleb Cushing, when filling the office of Attorney-General, in which they denied that negroes were citizens of the United States. Similar sentiments were expressed by several of the judges, Judge Daniel affirming that “a knowl-



edge of the history of the world compels us to know that the African negro race never have been acknowledged as belonging to the family of nations."

Having disposed of the subject immediately before the court, the writ of error, and having denied the prayer of the plaintiff for a reversal of the judgment, there was really nothing further and legitimately before the bench. Based on his argument that an African could not be a "citizen," the Chief Justice, in the name of the court, had decreed that Dred Scott could not sue at its bar. Though wrongfully, yet authoritatively, he had been denied the privilege of pleading his cause before that high tribunal. What was there further to be considered? Evidently nothing; and had it been a mere judicial question, the matter would have ended here. But it was not a mere question of law. There were ulterior purposes that were deemed of vastly more importance. There were political considerations, by the side of which the fate of Dred Scott and his family was of slight account. To despoil man of his rights and not to defend them, to do injustice and not justice, to circumvent and not to interpret the Constitution, were the special objects the majority of the judges had in view.

The plaintiff had based his plea for freedom on the ground that his owners had voluntarily taken him into a State made free by the ordinance of 1787, and into territory made free by the Missouri compromise. Seizing upon this circumstance, which, true or untrue, valid or invalid, could have no bearing upon the plaintiff, now that he had been nonsuited on the plea of his not being an American citizen, the Chief Justice proceeded to carry out the intentions, if not the instructions, of the Slave Power. Travelling far out of the record, he proceeded to indorse the new dogma of popular sovereignty by declaring the Missouri compromise, or the restriction of slavery north of latitude  $36^{\circ} 30'$ , to be unconstitutional.

Of course, conclusions so monstrous and an interpretation so terribly practical were not announced without, at least, a show of argument and authority therefor. And though, since the cause of all this special pleading, these hair-splitting distinctions, these refinements of language and technicalities of

terms, has been taken out of the way, there is less interest in discussions that then excited the liveliest concern and the most profound alarm, there may be an historic value in noting some of the steps which led to conclusions so monstrous and astounding. Substantially, then, and without detail, the reasoning was this. In the first place, the Chief Justice contended that the ordinance of 1787 and the article of the Constitution which referred to the government of Territories was restricted to the territory then in possession of the United States, and had no reference to any territory afterward acquired. For any such subsequent acquisitions, the power to govern the territory was inferential, and resulted from the power to admit new States. In the second place, granting that the power resided in Congress to govern such territory, he contended that that general prerogative did not carry with it the right to restrict the existence and practice of slavery. Concerning the inhabitant of such territory, he said, "The Federal government can exercise no power over his person and property beyond what that instrument confers, nor lawfully deny any right which it has reserved." He also quoted from "the fifth amendment to the Constitution, which provides that no person shall be deprived of life, liberty, and property without due process of law." Alluding again to the affirmation, already made, that "the right of property in a slave is distinctly and expressly affirmed in the Constitution," he claimed that to all who desired traffic in such property, "like an ordinary article of merchandise," the right was "guaranteed." "Upon these considerations," he concluded, "it is the opinion of the court that the act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned is not warranted by the Constitution, and is therefore void." Judge Daniel pushed the principle to a still further extreme, and contended that even the ordinance of 1787 "never had and never could have any legitimate and binding force."

Inferentially, therefore, the principle was involved, or evolved, from this reasoning, that the Constitution carried with it the right and power to hold slaves anywhere within

its widest and extremest range, making slavery literally no longer sectional but national. Such were the leading and salient points of the opinions of the majority of the Supreme Court in the famous Dred Scott case. Other and subordinate points were considered, that cannot here be noted.

Justices McLean and Curtis dissented from the opinions of the majority. The former pronounced the argument against the citizenship of the negro "radically defective." Though it had "never been held necessary to constitute a citizen within the act, that he should have the qualifications of an elector," he showed that even that qualification had often been possessed "in the slave as well as the free States." "Many of them," he said, "were citizens of the New England States, and exercised the right of suffrage when the Constitution was adopted." Concerning the claim that the Missouri compromise was unconstitutional, he replied that it "was passed by a vote of 134, in the House of Representatives, to 42," while Mr. Monroe's cabinet "held the restriction of slavery in a Territory to be within the constitutional powers of Congress." Concerning the effect of taking slaves into a State or Territory, and so holding them where slavery is prohibited, he contended that such act worked their freedom as claimed by the plaintiff. He urged in defence of that principle the decision of the court, in the Prigg case, that "slavery is a municipal regulation founded upon and limited to the range of the territorial laws." He urged, too, the decision of Lord Mansfield, "that a slave brought to England was free." Concerning the claim of the majority that Lord Stowell had given a decision somewhat adverse, he added: "Lords Mansfield and Stowell agree upon this point, and there is no dissenting authority." "This decision," he said, "is not a point for argument, but it is the end of the law, in regard to the extent of slavery."

He fortified his position by quoting from the opinion of Chief Justice Gamble of Missouri upon "the identical question before us," that of *Dred Scott v. Emerson*, a former owner, in which, after saying that the question had been "settled by repeated adjudications of the court," he had added, that a residence of a



master in a free State with his slave "would manumit the slave as effectually as if he had executed a deed of emancipation." Quoting largely from decisions of courts, even in slave States, he made the authoritative and unanswerable statement that, "in every decision of a slave case prior to that of *Dred Scott v. Emerson*, even the supreme court of Missouri had treated "the constitution of Illinois, the ordinance of 1787, and the Missouri compromise act of 1820," as "in force," and held itself bound to execute them." By it, he said, was reversed "the whole line of adjudication," and it was "in conflict with the decisions of all the courts in the Southern States, with some exceptions of recent cases."

Nor did the eminent jurist forbear allusion, though in courteous and judicial phrase, to the ulterior purposes of these special pleadings and novel rulings of the majority. He recognized, too, a higher law, and a standard of appeal superior to the desperate straits of politicians and the arrogant demands of the Slave Power, though they were recognized within the sacred domain of the Supreme Court. "Rights," he said, "sanctioned for twenty-eight years, ought not to be and cannot be repudiated, with any semblance of justice, by one or two decisions, influenced, as declared, by a determination to counteract the excitement against slavery in the free States. . . . While I lament this excitement as much as any one, I cannot assent that it shall be made the basis of judicial action." Referring to the assertion made that a slave may be taken, "the same as a horse," into any Territory of the United States, he remarked: "It is true, this was said by the court, as also many other things, which are of no authority. Nothing has been said by them which has not a direct bearing on the jurisdiction of the court, against which they decided, can be considered as authority. I shall certainly not regard it as such. . . . A slave is not a mere chattel. He bears the impress of his Maker, and is amenable to the laws of God and man; and he is destined to an endless existence."

The dissenting opinion of Justice Curtis was very decided, thorough, fortified by an impregnable array of authorities, and, from his well-known conservatism, worthy of special

notice. In reply to the assertion of the majority that the negro was not a "citizen," he asserted that "the citizens of the several States were citizens of the United States under the confederation," and he instanced the fact that all free native-born inhabitants of the States of New Hampshire, Massachusetts, New York, New Jersey, and North Carolina, though descended from African slaves, were not only citizens," but many of them had "the franchise of electors." He quoted from a decision of a North Carolina court, that "slaves, manumitted here, became freemen, and therefore, if born within North Carolina, are citizens of North Carolina"; and this decision was given, that court affirmed, on a "case brought here by appeal, and was felt to be one of great importance," and "after a very laborious investigation, both by the bar and bench." Speaking of the "surprise" of the people of Massachusetts at the allegation of the majority that negroes were not regarded as citizens in that State, he said that it was true, beyond all controversy, that even descendants of African slaves were made citizens by their constitution, and that those who had the necessary qualifications "exercised the elective franchise." So of New Hampshire, New York, New Jersey, their histories "show, in a manner which no argument can obscure, that in some of the original thirteen States, free colored persons, before and at the time of the formation of the Constitution, were citizens of those States." They "were not only included in the body of 'the people of the United States,' by whom the Constitution of the United States was ordained and established, but in at least five of the States they had the power to act, and doubtless did act by their suffrages, upon the question of its adoption;" a singular circumstance, surely, if they were not included among the "citizens" for whom it was established. Nor did the fact that in some States they were deprived of some of the rights possessed by the whites militate against their citizenship. "The truth is," said Judge Curtis, "that citizenship, under the Constitution of the United States, is not dependent on the possession of any particular political or even of any civil rights."

These rulings and opinions, though regarded as *obiter dicta*

and extra-judicial, produced a profound impression throughout the land, and, of course, excited much comment and many expressions of condemnation and indignant remonstrance. Emboldened by the conflicting utterances of the court, and sanctioned by the dissenting opinions of Justices McLean and Curtis, the press and many of the public men of the country joined in this popular verdict against what was deemed hostile to the legitimate principles of established jurisprudence, and to the demands of that higher law that sits enthroned above all human enactments. Perhaps there were no assaults more severe and noteworthy than those of Mr. Benton. As familiar as any public man with the political and Constitutional history of the government, himself a citizen of a slave State and not averse to the system in obedience to whose behests the decision was given, his judgment and condemnation could not be set aside on the score of ignorance and fanaticism. In a volume, prepared soon after it was pronounced, designed to expose the fallacy of its reasonings, especially in regard to the alleged unconstitutionality of the Missouri compromise, he speaks with great plainness of its principles, and of the purposes for which it was made. Referring to its history and to its revolutionary designs, he said: "I will not inquire into the course of measures which have produced the present disturbance in the Union," nor of "the attempt to compose which by a judicial decision, in which the court overrules the action of two generations, virtually inserts a new clause in the Constitution, changes its character, and makes a new departure in the working of the Federal government." He characterizes, with great force of expression, the decisiveness and completeness of this departure from the uniformity of the action of the government, comprehending "all the departments of all the governments, State and Federal, in all their branches, legislative, executive, and judicial."

While the propagandists were elated and arrogant, the friends of freedom and humanity were cast down and alarmed. It was felt to be at once a blow upon the country and the rights of man, as fatal to the integrity of the nation as to the security and safety of the slave. It was regarded as a



great and grievous calamity, because of its intrinsic wrongfulness and harm ; because it was felt to be one of a series of slaveholding encroachments, the culmination of past and the precursor of those yet in store ; because it was regarded as a foul stain upon the sacred ermine of the court, a staggering blow upon the popular confidence in the integrity of the judiciary. Thus radical and revolutionary, it not only sought to reverse “ the whole line of adjudication,” as affirmed by Justice McLean, to make “ a new departure in the working of the Federal government,” as charged by Mr. Benton, but it sought to change the current of judicial as well as popular thought upon the great question of human rights. Instead of being a matter of “ a municipal regulation ” of the States, as decided in the Prigg case, it made slavery a creation of the organic law of the land, no longer the exception with freedom the rule, but itself the rule and freedom the exception,—the Constitution, no longer the sacred shrine of liberty, but the frowning Bastile of a most intolerable despotism.

## CHAPTER XL.

### THE LECOMPTON CONSTITUTION.

Duplicity of the leaders. — Dred Scott decision and the Lecompton constitution, parts of a conspiracy. — Mr. Fessenden's arraignment. — Convention called. — Shannon and Geary. — Governor Geary's veto and resignation. — Walker appointed governor. — Fraudulent census and registry. — Overtures of free State men. — Walker's address. — Election. — Mr. Wilson's visit and advice. — The latter opposed but taken. — Help from the East. — Success. — Free State legislature chosen. — Attempted frauds. — Action of the governor. — He loses favor with the administration. — Constitution formed. — Unfair mode of submission. — Free State men refuse to vote. — XXXVth Congress. — President's message. — Sharply criticised by Hale and Trumbull. — Mr. Douglas's opposition and speech. — A slave State the objective point. — Popular sovereignty ignored. — Governor Walker's resignation. — His letter and testimony concerning the frauds and violence committed. — Stanton, acting governor, calls an early meeting of legislature. — Deposed. — Denver appointed. — President sends Lecompton constitution. — Complete subserviency of the message to the slaveholding cause. — Issue taken by Mr. Fessenden. — Mr. Wilson's motion of inquiry. — Message in the House referred to a committee of fifteen. — Speech of Mr. Fessenden. — Memorials of the Kansas legislature. — Naked issue. — Humiliating position of the government.

WHEN the prohibition of slavery embodied in the Missouri compromise was repealed, it was declared to be the intent to leave the people of Kansas and Nebraska "perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." But this was a pretext, a device, a trick. The slave-masters who believed that the Constitution carried slavery into the Territories used this artifice as a temporary expedient to secure the overthrow of the principle of its prohibition, and to open a vast Territory to its polluting touch. Their Northern allies joined in the deception. It was afterward stated, by Judah P. Benjamin, that, at a caucus of Senators, "both wings of the Democracy agreed that each should maintain its particular theory before the public, — one side sustaining squatter sov-

ereignty, and the other protection to slavery in the Territories, — but pledging themselves to abide by the decision of the Supreme Court, whatever it might be.” Mr. Douglas said in May, 1860: “We agreed to refer it to the judiciary, and we agreed to abide by their decision.” This conspiracy against liberty was successful, the Democratic national convention indorsed it, Buchanan and Breckinridge accepted it, and the people, misled by the conspirators, gave it their sanction. This was the “squatter sovereignty” that triumphed in the Presidential election of 1856. The Dred Scott decision and the Lecompton constitution, which were made about the same time and generally regarded as parts of the same general policy, revealed the real character of the “sovereignty” involved, or, rather, it made apparent the utter insincerity of all pretensions of regard for the popular will, and the shameless duplicity that characterized the course of those who conceived and engineered that astounding fraud. So apparent was this, that Mr. Fessenden, who was ever specially careful and precise in his statements, succinctly declared the “original scheme to have been to assist popular sovereignty, in the first place, with a view of rendering the repeal of the Missouri compromise in some way palatable; then to deny it and avow the establishment of slavery; then to legalize this by a decision of the Supreme Court of the United States, and claim that it had become established. I sincerely believe that decision of the Supreme Court was a part of the programme. It was to be had, if having it would avail; but if not, it never would have been had.”

In pursuance of this “scheme,” the Territorial legislature enacted that at the election to be held in 1856 the sense of the people should be taken upon the expediency of calling a convention to form a State constitution. The slave State men, having everything their own way, decided in favor of a convention. On the resignation of Shannon, John W. Geary of Pennsylvania, afterward a major-general in the war of the Rebellion and a Republican governor of his State, had been appointed governor of Kansas. Though associated with the Democratic party, and a supporter of Pierce’s administration,



he went to the Territory resolved to deal justly with the people. Before going, he sought out Mr. Wilson, avowed his purpose to do what he could to protect the actual settlers, and placed in his hands a bill he had drawn for that purpose.

The legislature in February, 1857, passed an act for the election of delegates. As the bill for this election of delegates did not provide for the submission of the constitution to the people, Governor Geary vetoed it; but it was passed over his veto. The history of this transaction betrays the animating spirit and ulterior purposes of those who were engaged in this movement. Governor Geary states in a published letter, that, in a conference of the committees of the two houses, he proposed to sign the bill if they would authorize a submission of the proposed constitution to the people. "But," he says, "they distinctly informed me that the bill met the approbation of their friends in the South; that it was not their intention that the constitution should ever be submitted to the people."

After months of labor, trial, and disappointment, Governor Geary left the Territory. Robert J. Walker was appointed governor, and Frederick P. Stanton, formerly a member of Congress from Tennessee, was appointed secretary by Mr. Buchanan. Mr. Stanton went to the Territory in advance of Mr. Walker, and was for some weeks acting governor. The law provided that there should be a census taken, and a registry made of all qualified to vote. A pretended census was taken in March, and a registry made. But in nineteen of the thirty-eight counties no census was actually taken, and in fifteen counties there was no registration. Thousands were not registered who had a right to be, and thousands were registered who had not that right. This registration was admitted by both Secretary Stanton and Governor Walker to have been incomplete and fraudulent.

The free State men, under the lead of Governor Robinson, stated to the acting governor that they would go into the election of delegates if they could be fairly registered and the ballot-box could be protected. To this Stanton replied that he had no power to correct the list of voters, and that he

could do nothing in the premises. Under these circumstances the free State men determined to have nothing to do with an election in which their rights, and the commonest principles of fair dealing as well, were so thoroughly ignored. And yet on the 27th of May, a few days after his arrival in the Territory, Governor Walker issued an address to the people, in which he deprecated this avowed purpose to take no part in the election, and insisted that they would be "as much bound by the act of the majority of those who do vote, as if all had participated in the election." The election was held in June, but it was allowed by the free State men to go by default. The slave State candidates were elected, though they received less than seventeen hundred votes; hardly more, in the words of Governor Walker, than "one tenth" of the voters of the Territory. The delegates thus elected met at Lecompton in September, but immediately adjourned till after the October election.

Mr. Wilson visited Kansas in May, 1856, passing up the Missouri River on the steamer that bore Governor Walker to the Territory. He came to the conclusion that the free State settlers had little to hope from the new executive. While the governor had been making large promises in the east, the officials in Kansas had been neglecting the registration of the voters, and an apportionment had been made which disfranchised whole counties and thousands of free State men. As there was no hope of securing the convention, Mr. Wilson expressed the opinion to Mr. Parrott and Governor Robinson that the only hope of saving Kansas to freedom was to take possession of the Territorial government by electing a free State legislature in October. A conference was held at his suggestion at Governor Robinson's house in Lawrence, at which were present Governor Robinson, Mr. Conway, — afterward the first Representative of the State of Kansas in Congress, — Mr. Foster, — late a chaplain of the Massachusetts legislature, — Rev. Mr. Nute, Mayor Adams, S. C. Smith, Mr. Phillips, — then correspondent of the New York "Tribune," and afterward member of Congress from that State, — Mr. Hinton, J. H. Kagi, — who fell at Harper's Ferry, — and

some others. Mr. Wilson urged the policy of voting at the October election. Much feeling was elicited ; Mr. Conway and others opposing such action. They said they had always refused to acknowledge the validity of the Territorial laws ; that to do so now would be inconsistent ; that they were agreed in the support of the Topeka constitution ; and that any attempt to change their policy would distract, if not divide, the free State men, and put their cause in peril. They said, too, that they were without organization and without means ; that the polls were in the control of the slave State men ; that they would be cheated ; and, in the end, must fail.

To these objections Mr. Wilson suggested that the friends of free Kansas had lost the President ; that both houses of Congress were against them ; that the Topeka constitution would not be accepted by Congress or recognized by the President ; that if Kansas was made a free State they must do it ; and to accomplish that end they must take the power from the slave State men by voting at the October election for a new legislature, even if they voted under protest. He promised them, if they would thus decide, he would go home and raise a few thousand dollars to aid them in organizing the free State men of the Territory. No action was taken by the meeting ; but Governor Robinson, Mr. Nute, and a few others, concurred in the proposed plan. Mr. Wilson returned to the East to carry it into effect. At New York he developed this plan of action to Edwin D. Morgan, — chairman of the National Republican Committee, — Charles A. Dana, then connected with the "Tribune," and a few others, and they promised that the friends of free Kansas would aid in the movement. A meeting was called in Boston, at which were present Charles Francis Adams, Dr. Samuel G. Howe, Amos A. Lawrence, J. M. S. Williams, George L. Stearns, William Claflin, John B. Alley, F. W. Bird, and other working friends of free Kansas. Mr. Wilson proposed that three or four thousand dollars should be raised, and that an agent should be sent to the Territory to see that the funds were properly expended in the work of organization. The plan was indorsed, it was voted to raise twenty-five hundred dollars in Massachusetts, and a



committee was appointed for that purpose. Mr. Wilson then went to Worcester, and laid the plan before Mr. Chapin and other active men of that city; to New Haven, where he conferred with Professor Silliman and others; and again to New York, receiving in each city promises of co-operation and aid. In a few days more than three thousand dollars was pledged by the friends of free Kansas.

Thomas J. Marsh, a gentleman of integrity and organizing ability, was selected as agent, and he left for Kansas on the 2d of July, where he remained till after the October election. Arriving at Lawrence, he attended a conference of leading men, met to consider the question of voting at the October election. The situation was not hopeful, nor were the men assembled confident of success. Mr. Marsh stated to them that he had been sent by the friends of free Kansas in the East with from three to four thousand dollars to aid in organizing the Territory, to carry, if possible, both branches of the legislature in October. Encouraged by this proffered assistance, the conference agreed to press upon the free State convention, soon to be held, the importance of securing, if attainable, the legislature. Mr. Marsh attended the convention; but he found the delegates much disheartened. The people were poor, many had been murdered, others had been despoiled, a malignant typhoid fever was prevailing, and many were sick and dying. It was certain, too, that there would be a large failure of their crops. They felt that political power was wholly in the hands of their enemies, whose plans were matured, and who were confident, boastful, and insolent. But for all that, said Mr. Marsh in a letter to Mr. Wilson: "It was one of the grandest conventions I ever attended. An influence went out from it which was felt in every part of the Territory. From that time the work went steadily on, conventions and neighborhood meetings were held everywhere, until the day of the election. Under the circumstances, no political contest in this country will compare with it. I shall never forget how they labored, and what sacrifices they made. But they triumphed and saved the Territory to freedom."

There were a few who persistently opposed the policy of

voting. Colonel Richard Realf, who afterward became John Brown's secretary of state, under his "Plan of Government," wrote, under date of 30th of January, 1860: "Nor was Brown himself, nor were any of his coadjutors, committed to the Republican creed. Henry Wilson, in 1857, advised that party to secure the legislature by voting under the laws of the Territorial legislature. The advice was taken and the result predicted was achieved. Not one of Brown's original party voted. Some of us were at that time correspondents of the Eastern press, and in the interim between the Grasshopper Falls convention, at which it was decided to vote, and the day of the election, we opposed the action of the party in every possible way, by letters, speeches, and in every available manner, for which we were denounced as abolitionists by the leading Republican journal of the Territory."

But in spite of menaces and frauds the free State men carried the election by a majority of nearly four thousand in a vote of less than eight thousand, electing the delegate to Congress, nine of the thirteen councilmen, and twenty-seven of the thirty-nine representatives. But this result was not attained without attempted frauds. From the Oxford precinct, containing but eleven houses and less than fifty voters, sixteen hundred and twenty-four votes were returned, the manuscript roll containing these names being fifty feet long; portions of which a subsequent examination revealed to be copied in alphabetical order from a Cincinnati directory. A similar, though not so exaggerated a return was made from McGee County. But the fabrication and fraud were too manifest, and Governor Walker would not give certificates of election to the bogus candidates, although Judge Cato issued his writ against such refusal. The governor, however, denied his jurisdiction and persisted in his refusal. But his conduct was displeasing to the administration, and from that moment he was a doomed man. His name was soon added to the list of decapitated Kansas governors, and his ignominious execution, demanded by the Slave Power, was at once secured.

The convention met after the election, according to adjournment, and proceeded to the work for which it was chosen,—

the framing of a constitution, in which the spirit and purpose of the slave propagandists found full embodiment and expression,—a constitution infamous in its origin, provisions, and history, and also in the humiliating attitude in which its openly avowed indorsement and advocacy placed the national government and the administration of President Buchanan.

Though the President and governor had given their pledges that the constitution should be submitted, for ratification, to a popular vote, yet, when the convention saw in the results of the October election a clear indication of the public sentiment, they were in no mood to submit the work of their hands to the ordeal of a vote, when the chances of its defeat were so manifest. With characteristic unfairness and duplicity, therefore, though they retained the form of submission, they gave the people of the Territory in reality no chance to reject the instrument itself. The voters were required to vote either “for the constitution with slavery” or “for the constitution without slavery.” No one could vote against it, and, notwithstanding the curious nomenclature employed, nobody could really cast his vote against slavery, for, as Mr. Fessenden said, in the debate on the question, there were substantially two slaveholding constitutions submitted to this popular vote. Indeed, the Lecompton constitution was a proslavery instrument, whether adopted with or without slavery. If adopted with slavery, it provided that “the right of property is before and higher than any constitutional sanction, and the right of the owner of a slave to such slave and its increase is the same and as inviolable as the right of the owner of any property whatever.” A citizen offering to vote on the question was required, if challenged, “to support this constitution, if adopted, under the penalties of perjury under the Territorial laws.” Of course the free State men must swear to support it, in whichever of the two forms proposed it might be adopted. Under existing laws and under the circumstances, the free State men had a right to believe, and did believe, that the constitution for slavery would be adopted, and, if they voted, they would have to swear that the right of the owner of a slave to such slave and its increase was before and higher than con-



stitutional sanction. They knew, too, that, if the constitution without slavery should be adopted, it would embrace a provision continuing in force all the existing laws of the Territory, the laws establishing slavery included, until they should be repealed by a legislature elected under that constitution. They knew, in the language of the Charleston "Mercury," that "whether the clause in the constitution is voted out or voted in, slavery exists, and has a guaranty in the constitution that it shall not be interfered with." They knew, too, that it could not be changed until after 1864, and that "no alteration shall be made to affect the rights of property in ownership of slaves." The free State men knew that in any event slavery would be fastened upon Kansas for years, and that they could not take the oath to support it in the event of its adoption and remain consistent and free State men. Thus hampered by strange, not to say diabolical, provisions, presented in that singular equivocal form, the vote for the constitution with slavery was more than six thousand, and the vote for it without slavery was less than six hundred, though thousands of the affirmative votes were fraudulent.

The XXXVth Congress assembled on the 7th of December, 1857. The President, in his message, entered largely into the consideration of Kansas affairs. He specifically and approvingly referred to the action of the Lecompton convention, and to the constitution it had framed, and he declared that the question had been "fairly and explicitly referred to the people of Kansas whether they will have a constitution with or without slavery."

Mr. Hale and Mr. Trumbull at once denied the assertions, and combated the assumptions of the President, though the main contest of the opening debate was between Douglas, Green of Missouri, and Bigler of Pennsylvania, the two latter assuming to speak for the administration and to defend its policy. The opposition of Mr. Douglas to the Lecompton constitution did not arise from any antislavery scruples. He, as ever, was indifferent whether slavery was "voted up or voted down." His ostensible objection was that it had not been submitted to a vote of the people, according to the prin-

ciples embodied in his dogma of popular sovereignty, the pledges of the Democratic party, and the promises of the administration. A motive, too, that must have entered largely into the reasons for his conduct, was a conviction that he could not carry his State and secure his re-election on that issue. The speech, however, of this leader of the proslavery forces of 1854 was chiefly noticeable for its entire silence concerning the frauds and violence out of which the Lecompton constitution was but a necessary outgrowth. It was, too, another revelation of one of the secrets of the successive and successful assaults of the Slave Power, that they were always made and vindicated in the name and at the behests of some admitted good, or of some assumed advantage, that could not otherwise be secured.

The objective point of this long series of violent and really revolutionary movements was, of course, to make Kansas a State in which slavery should be domiciled, recognized in its constitution, and fortified by law. To the surprise of the leaders, it was found that a majority of its population only awaited a fitting opportunity to declare for a free State. The vaunted doctrine of squatter sovereignty, which had been so persistently proclaimed as the crowning glory of the Kansas-Nebraska act, was seen to be the thing above all else to be feared, circumvented, and overcome. But they were equal to the emergency. With a reckless audacity which only slave propagandism could beget, they forced the administration of Mr. Buchanan and a large majority of the Democratic party to this desperate and dishonorable service.

On the 13th of December, Governor Walker resigned. In an elaborate letter he disclosed and demonstrated the frauds and wrongs perpetrated upon the people of Kansas, and expressed his apprehensions that, if the Lecompton constitution were forced upon them, civil war and the most direful consequences would ensue. He avowed that he had been in favor of submitting the constitution to the people, that the President and the members of his cabinet knew his views and approved of them, and that the Secretary of State in his instructions had said that the people in voting upon the constitution must

be protected against violence and fraud. This letter placed Mr. Buchanan and his cabinet in a most equivocal position, if it did not convict them of the grossest inconsistency and the most shameless duplicity.

Mr. Stanton remained as acting governor. He saw, as every man not blinded by passion and a determined purpose saw, that something must be done to relieve the matter of its discreditable and disgraceful features. The new legislature was to meet in January ; but he resolved to anticipate this meeting by calling it together in December, to take such steps as wisdom, and even the instinct of self-preservation, might indicate. But that had too much the appearance of honesty and fair dealing to please his masters, the propagandists, and their obsequious agent, the administration. The guillotine found a new victim. His deposition was demanded and granted, and J. W. Denver of California was appointed governor, and immediately confirmed by a strictly partisan vote of the United States Senate. The legislature on its assembling agreed to submit the constitution to a popular vote, and, thus squarely presented, it was rejected on the 9th of January by an overwhelming vote.

On the 2d of February, the President sent the Lecompton constitution to Congress, with a special message. It was remarkable alike for its extreme Southern position, its assumptions, and its declarations. It required the utmost stretch of charity to reconcile its utterances with the promptings of patriotism or the claims of truthfulness. This was so palpable as to draw from Mr. Fessenden the declaration that the President "has deliberately chosen to omit the most important facts in the case, as well known to him, or which should have been as well known to him, as to any man ; for he cannot plead ignorance. They are facts apparent on the record ; palpable, plain, unmistakable. He has omitted to state them, and he has stated others which are disproved by the record accompanying the message." Zealous, too, as was its support of slaveholding pretensions, its bitter hostility to antislavery men was no less apparent. He branded the free State men of Kansas as disloyal ; their resistance to the unlawful preten-



sions of the illegal legislature he stigmatized as revolutionary ; and the reason why they did not participate in the election he declared to be a " refusal to submit to lawful authority." " Kansas at this time," he said, " is as much a slave State as Georgia and South Carolina," and the rejection of the constitution would be " keenly felt by the Southern States, where slavery is recognized," — as if that were a paramount consideration that must be heeded at all hazards.

Mr. Wilson moved to instruct the Committee on Territories to investigate the whole circumstances connected with the calling of the convention ; to inquire into the number of votes cast at the several elections ; to ascertain whether the same was in compliance with law ; and to find out what portion, if any, of said votes was fraudulent and illegal. The purpose of this amendment was to secure, if possible, a full investigation of all the matters pertaining to Kansas. After a debate of several days, the amendment was rejected by a majority of six ; Douglas, Broderick, and Stuart, anti-Lecompton Democrats, and Crittenden and Bell, conservative Southern men, voting with the Republicans.

In support of the proposed investigation, Mr. Fessenden made a speech of remarkable vigor and force of expression. He condemned the message and its tone as unworthy of the man called to fill " one of the few eminent places in the world." " He exults," said Mr. Fessenden ; " his tone is that of exultation when he speaks of the fact that the Territory of Kansas is now as much a slave State as Georgia or South Carolina. His tone is that of feeling, of gratification, that, instead of being a free State, like his own," it was " bound to the car of slavery." He arraigned the Supreme Court for its Dred Scott decision, and referred to the significant fact, that, after hearing the argument, the court had adjourned over till after the election before making the decision ; and he expressed the opinion that, if the Democratic party had not triumphed, " we should never have heard of a doctrine so utterly at variance with all truth ; so utterly destitute of all legal logic ; so founded on error and unsupported by anything like argument, as is the opinion of the Supreme Court."

Referring to the opposition of Mr. Douglas and his friends to the Lecompton policy, he said, they should have known, when they repealed the Missouri compromise, what the result was to be; that it was the design to force slavery into Kansas. He was now interposing his strong arm "to stay the tide of slavery which is setting over Kansas, contrary to the expressed will of her people. Does the honorable Senator think that he can take the prey from the tiger and not himself be torn? When was slavery ever known to stay its hand in its march over a country, unless forced to do so? And when it had seized it, when was it ever known to let go its hold? It is a part of the system to pay nothing at all for involuntary servitude; and if the service is voluntary, experience has shown that it must be unlimited, unquestioning, and eternal. To hesitate is to lose all; to stop is to die."

In the House, Mr. Stephens moved a reference of the message to the Committee on Territories, of which he was chairman. Mr. Harris of Illinois, the leader of the anti-Lecompton Democrats, moved its reference to a committee of fifteen. This motion, after an excited and angry debate lasting through the night, prevailed by a majority of four. The committee appointed by the Speaker contained a majority in favor of the Lecompton policy, so that nothing came of the inquiry.

On the 1st of February, 1858, the second legislature of Kansas presented to Congress a preamble and resolutions, in which it speaks of the Lecompton constitution as the work of "a small minority of the people, living in nineteen of the thirty-eight counties of the Territory." This "minority," it said, availing themselves of a law which enabled them to obstruct and defeat a fair expression of the popular will, did, by the odious and oppressive application of the provisions and partisan machinery of said law, procure the return of the whole number of delegates to the constitutional convention recently assembled at Lecompton. We, therefore, "the representatives of said people, do hereby, in their name and on their behalf, solemnly protest against such admission."

Having thus exposed and condemned the Lecompton consti-

tution, as designed to "fix upon them an institution revolting to a large majority of the *bona fide* citizens of the Territory," the same body, in another paper, presented and gave the history of the Topeka constitution. The people of the Territory, it averred, did proceed "to call a convention to frame a constitution; the delegates thereto were regularly and fairly elected, and, on the twenty-third day of October, 1855, did assemble in convention at Topeka." It therefore declared that said constitution "embodies the wishes of the people of this Territory upon the subject of a State government, and ought to be received by the Congress of the United States as the constitution of the State of Kansas."

Stripped, then, of all side issues, the precise and pregnant question was: "Shall Congress impose upon the people of Kansas a constitution really the work of a foreign body, in which they had no voice, and to which they were inflexibly opposed?" Such a proposition to a people making any pretensions to a free form of government was, in the highest degree, impertinent and insulting; and yet this was the precise issue which then absorbed the attention of the American Congress and people. The debate took a wide range, and brought into review the general subjects of slavery and freedom, their antagonisms, and their relations to society and the state. The President and his supporters vindicated the proposed policy; Mr. Douglas, those he represented and led, and the Republicans, opposed it. It was indeed marvellous that men of intelligence and candor could so stultify themselves as to defend, in the name of Democratic institutions, a policy so essentially and offensively despotic. Slavery has left on record, damaging and damning as that record is, no blacker page than that which describes its ruffianly and ruthless policy toward Kansas. And yet to this policy the administration was fully and fiercely committed, and to its execution its power and patronage were given in no stinted measure.



## CHAPTER XLI.

### THE LECOMPTON STRUGGLE.

General argument in favor of the Lecompton policy. — Defence of slavery. — Speech of Mr. Hammond. — “Cotton is king.” — Arraignment of Northern society. — Replies. — Speeches of Hamlin, Broderick, and Wilson. — Defences of the North and its institutions. — Full discussion welcomed. — Speeches in the House. — Extreme opinions of Miles and Keitt. — Able defences of freedom and free institutions. — Lovejoy, Giddings, Bliss. — Ignominious attitude of the administration and the Democratic party.

THE supporters of the Lecompton policy dwelt much upon the necessity of concession and compromise ; upon the encroaching North and long-enduring South ; State rights ; and the maintenance of an equilibrium of the opposing sections. Not all, however, pursued that specious and subtle course. Some, believing in the philosophy as well as the practice of slavery, defending it on principle as well as from policy, not as an evil but a good, stepped forth the champions of the system they cherished as well as of the section they represented. Prominent among these was James H. Hammond of South Carolina. Avowing his purpose to consider slavery “ as a practical thing, as a thing that is and is to be, and to discuss its effect upon our political institutions, and ascertain how long these institutions will hold together with slavery ineradicable,” he proposed “ to bring the North and South face to face, and see what resources each might have in the contingency of separate organizations.” If the South never acquired another foot of territory, he said, she had eight hundred and fifty thousand square miles, was as large as Great Britain, France, Austria, Prussia, and Spain. “ Is not that territory enough,” he asked, “ to make an empire that shall rule the world ? ” “ It can send,” he asserted, “ a larger army than any power on earth can send against her, of men brought up on horseback, with guns in

their hands.” Entering into the statistics of Southern production and export, he said the South would need no army or navy, but, removing all commercial restrictions, the whole world would go to it to trade, “to bring and carry for us.” Asserting that the South would find strength and protection in its cotton, he said: “You dare not make war on cotton. No power on earth dares make war on it. Cotton is king.” Expressing the belief that it would be well for the South not to plant any cotton for three years, he inquired, with amusing pretension: “What would happen if no cotton was furnished for three years? I will not stop to depict what every one can imagine, but this is certain: England would topple headlong and carry the whole civilized world with her, save the South.” Asserting the superiority of slaveholding society over that of the free States, he said: “The greatest strength of the South arises from the harmony of her political and social institutions. This harmony gives her a frame of society the best in the world, and an extent of political freedom, combined with entire security, such as no other people ever enjoyed upon the face of the earth. This bold vaunt he proceeded to define as well as to defend. In his explanatory definition, he referred to the fact that, in all social systems, there must be menials to perform the “drudgery of life,” and that such a class is necessary to the existence of “that other class which leads progress, civilization, and refinement.” “This,” he said, “constitutes the very mudsill of society and of political government, and you might as well attempt to build a house in the air as to build either the one or the other, except on this mudsill.” Saying that their slaves were their “mudsills,” he contended that “the manual laborers and operatives” of the North sustained the same relation to Northern society, and were “essentially slaves,” the difference between them being “our slaves are hired for life and are well compensated, — yours are hired by the day and not cared for.”

Leaving the social for the political aspect of the question, he compared the Southern slaves — “happy, content, unaspiring, and utterly incapable, from intellectual weakness, ever to give us any trouble by their aspirations,” without votes or political

power — with Northern manual laborers, brothers of our blood, equals in natural endowments, “galled by their degradation,” “with the right of voting,” and the real “depositories of all your political power.” With arrogant menace, he warned the North of “the tremendous secret” that the ballot-box is “stronger than an army with banners.”

Such, substantially, were the bold and defiant defence and arraignment, by the outspoken and truculent South-Carolinian, of slavery and freedom, the South and the North thus brought “face to face.” This open avowal of sentiments, purposes, and expectations, which many of his section really entertained, but which they did not deem it politic to express, his impudent pretensions, his unfounded claims, and his clear falsification of local and historic facts, excited surprise and provoked responses. His characterization of Northern manual laborers as “hireling,” as essentially slaves, the “mudsills” of society, like the *dicta* of the Supreme Court, that black men had no rights that white men were bound to respect, became the ringing watchwords of those replies and of subsequent conflicts at the North. They fixed attention, too, and opened the eyes of men to the spirit, aims, and purposes of the Slave Power as perhaps no previous demonstration had been able to effect.

The gauntlet being thus defiantly thrown down, there were not wanting the friends of freedom and of free institutions to take it up. Hannibal Hamlin replied. With patient research and careful collation of facts he demonstrated the fallacies of Mr. Hammond’s argument, for the greater alleged prosperity of the Slave States, from the relative amounts of Southern and Northern exports, by showing, from facts and figures, that, in all the elements of substantial prosperity, the free States were far in advance of the slave States, and that that advance was becoming greater and more apparent every year. Referring to the charge that the “manual hireling laborers” of the North were “essentially slaves,” the “mudsills” of society, he took issue, denying the allegation, and affirming that they were rather the constituent elements of society. “They do our legislation at home,” he said; “they support the State; they are the State.” “Sir,” he added, “I



can tell that Senator that they are not the "mudsills" of our community. They are the men who clear away our forests. They are the men who make the green hillside blossom. They are the men who build our ships and who navigate them. They are the men who build our towns and who inhabit them. They are the men who constitute the great mass of our community. Sir, they are not only pillars which support our government, but they are the capitals that adorn the very pillars."

David C. Broderick made a brief and vigorous speech, in which he reminded the South of its mistake in repealing the Missouri compromise. "In the passage of the Nebraska-Kansas bill," he affirmed, "the rampart that protected slavery in the Southern Territories was broken down." Northern opinions, Northern ideas, and Northern institutions being invited to contest their possession, "how foolish," he said, "for the South to hope to contend for success in such an encounter! Slavery is old, decrepit, and consumptive; freedom is young and vigorous."

The sneer at the Northern "hireling manual laborers" he rather welcomed, "because," he said, "it may have the effect of arousing in the workingmen that spirit which has been lying dormant for centuries." Alluding to the fact that he was "the son of an artisan and had been a mechanic," and also, regretfully, to the fact that there was too little ambition among laboring men, he said: "I left the scenes of my youth and manhood for the scenes of the far West, because I was tired of the struggles and jealousies of men of my own class, who could not understand why one of their fellows should seek to elevate his condition above the common level."

Mr. Wilson also made an elaborate reply to the same speech. Accepting the challenge to array the opposing systems and sections "face to face," he, by a somewhat full examination of the census-tables, the admissions of Southern men in their speeches and writings, and other sources of information, deduced the lessons which the survey, comparison, and their contrasts taught. He showed that "in accumulated capital, in commerce, in manufactures, in the mechanic arts, in educa

tional institutions, in literature, in science, and in the arts, in the charities of religion and humanity, in all the means by which the nation is known among men, the free States maintain a position of unquestioned pre-eminence. In all these the South is a mere dependency of the North." Beyond the political field, in which he admitted that, "bound together by the cohesive attraction of a vast interest from which the civilization of the world averts its face, the privileged class have won the control and direct the policy of the government," he contended that, even by the admission of Southern writers, "this dependency of the South is everywhere visible, even to the most blind devotees of King Cotton."

Passing from the consideration of these sharp and suggestive contrasts, and the effects of slavery upon the slaves, he said: "Putting out of view altogether the sad lot of nearly four millions of helpless bondmen, doomed to a destiny so rayless, so cheerless, so hopeless, that the Senator from South Carolina vauntingly tells us that they are 'unaspiring,' and will never give 'any trouble to us by their aspirations,' I here and now declare that the five millions of the non-slaveholding whites of the South live in meaner houses, consume poorer food, wear poorer clothes, have less means of moral and mental instruction, less culture, and less hope for the future for themselves and their posterity, than the five millions of the poorest people of the seventeen millions of the North"; a fact he proceeded "to demonstrate" by "abundant quotations from Southern authorities."

Alluding to the Senator's use of the Saviour's declaration, "The poor ye have always with you," as an argument for the necessity of a servile race as "the foundation-stone, the eternal law of slavery, which all the powers of the earth cannot abolish," he regarded those words as "perpetually sounding in the ears of mankind, and ever reminding them of their dependence and their duties." "I thank God," he said, "that I live in a commonwealth which sees no warrant in these words of inspiration to oppress the sons and daughters of toil and poverty," but rather the injunction to protect such "by the broad shield of equal, just, and humane legislation."

Referring to the taunting inquiry of the Senator, how he would like to have emissaries from the South go North to proclaim to its hireling laborers "the tremendous secret of the ballot-box," he expressed his willingness that they should come for such a purpose; for, he said, "ours are institutions of freedom, and they flourish best in the storms and agitations of inquiry and free discussion. We are conscious that our social and political institutions have not attained perfection, and we invoke the examination and the criticism of the genius and learning of all Christendom."

There were those in the House, too, who were ready not only to indorse the extreme views of the South Carolina Senator, but to go much further, and to vindicate the rightfulness of slaveholding on the higher ground of revelation, claiming for the system that it in no way contravened even the pure ethics of Christianity itself. While many Southern men deprecated the extreme utterances of Mr. Hammond, as needlessly compromising their position and giving to their opponents arguments it was policy to have withheld, there were others, especially Miles and Keitt of the same State, who fully indorsed and even transcended his positions. The former asserted that slavery lay at the foundation of Southern prosperity, — the very life-blood of its existence. The relation between capital and labor in the South gave, he declared, "the best assurances of political conservatism and social stability." Mr. Keitt addressed himself to what he called the religious view. He claimed that the Scriptures did not condemn, but rather sanctioned slavery. "I am content," he said, "impregably to intrench the rights of the South behind the monuments which the hand of the Almighty has raised"; and he contended that "with the proclamation of the law was also uttered the fiat which sanctioned slavery and settled the relations between the master and the slave."

Of course there were those who were prepared to enter the lists and do battle not only for "the law," but for its Author. Among them was Owen Lovejoy. His voice, impassioned utterances, and trenchant blows early mingled in the fray. He discarded the ordinary distinctions of "North" and "South,"



for, he said, there was no necessary conflict between the sections, the North having many "advocates of slavery," and the South having many "loyal to freedom," and he contended that it was simply a question "between the principles of liberty and those of despotism." The question, the most important since the Revolution, "the most solemn and grave with which Christian civilization has had to grapple in modern times," was that of property in man.

With great force of logic, forensic skill, and rhetoric of singular point and piquancy, he proceeded to the support of the thesis that such "property" was impossible. The Divine origin and likeness in which man was made constituted his grand and fundamental argument against the "wild and guilty fantasy," as expressed by England's great statesman, whom he quoted, "that man can hold property in man." "To chattelize a rational creature thus endowed and thus allied is to insult and incense the Author of his being." He based his second argument on man's redemption. With startling distinctness he exclaimed: "President Buchanan, believest thou the gospel record? I know that thou believest. Tell me then, sir, did Christ shed his blood for cattle? Did he lay down his life to replevin personal property, to redeem real estate?" The royal law, of doing unto others as they would that others should do to them, furnished his next argument, and he illustrated with great force and eloquence how slavery violated that great law of life, especially in its influence upon the family. His final objection against slavery was that it lay "across our country's glory and destiny." Saying that God had "a grand work for us to do, to lead the world to freedom and glory," he asked: "Shall we wheel around from the van in the progress of a Christian civilization, and, with muffled drum and drooping colors, march back a decade of centuries into the darkness and barbarism of the past?"

The calmer, more judicial, if less impassioned, voice of Mr. Giddings was heard. Profoundly religious in his convictions, the very incarnation of moral courage, it would have seemed to him moral treason to have remained silent in such a presence, on such an issue. Summoning members to the forum

of conscience, with God's statute-book open before them, he pleaded the cause of justice and humanity in that court of equity and final appeal. After stating and illustrating the various ways in which the defender of slavery contravened the clearly revealed will of God, he said: "To these primal truths he is infidel. To the rights of his fellow-mortals he is infidel. To God's higher law he is infidel. Against these he wages unceasing war."

But among the boldest and most clearly defined speeches of the session, in both its enunciation of principles and its characterization of measures, was one delivered, near its close, by Philemon Bliss of Ohio. With refreshing plainness he gave his reasons for not indulging in the discussion of the Le-compton business, saying that, though he could reason with a highwayman and remonstrate with a pickpocket, he could "find no fit words for discussing in a Republican representative body the propriety of forcing a dark despotism upon a protesting people." "If the statement of the proposition will not carry its own damnation," he said, "no parliamentary language of mine can fitly describe it; and the mind that can for a moment entertain it is entirely beyond my reach." After describing the humiliating position to which the Slave Power had brought the nation, and saying that surprise had been expressed that a section of the Union, and that "comparatively weak and poverty-stricken," should be enabled to carry things with so high a hand, he said there was no cause of wonder even in this "omnipotence of evil." The cause was to be looked for in the different spirit and purposes which characterized the enemies and the friends of freedom: the former, "all will, all energy, all perseverance," have a great idea, have subordinated everything to its prosecution; the latter, "intent on gain and peace, have ignored all fixed principle, been blind to any great end, and have substituted a shuffling expediency for an enduring purpose. The 'I will' of the one is met by the 'please don't' of the other; and 'I'm afraid I can't' is the bravest response to the grim 'you shall.'"

There were other speeches, delivered by both the friends and the enemies of the measure in issue, which exposed the barbar-

izing influences of slavery, the reckless audacity of the propagandists, and the unscrupulous profligacy of those who for personal and partisan ends were willing to accept the most humiliating conditions, make any sacrifices of principle, and commit themselves to a line of conduct, however cruel and however mean. Nor could it well have been otherwise. When leading men, an administration, a national party, accepted from the Slave Power the advocacy and responsibility of a series of acts which Robert J. Walker resigned office rather than sustain and execute, and which Henry A. Wise characterized as "unveiled trickeries" and "shameless frauds," their own speeches, State papers, and votes, better, indeed, than the criticisms of their Republican censors, could not but reveal the depraved and desperate character of the policy entered upon, and the sad demoralization it both betokened and so greatly increased.



## CHAPTER XLII.

### THE ENGLISH BILL.

Kansas fraud. — Relative strength of parties in the two houses. — Bill and substitute in the Senate. — Committee of conference. — English bill characterized. — Debate. — Speeches of Howard, Grow, and Bingham. — Opposition to it in the Senate. — Speeches of Stuart, Douglas, Wilson, Seward. — Anti-Lecompton Democrats. — Conferences between them and Republicans. — Faltering. — Testimony of Mr. Haskin. — S. S. Cox. — Attempts at bribery. — Twelve remain firm. — Joseph C. McKibbin. — Bill adopted by both houses. — Rejected by the people of Kansas.

FROM testimonies that could not be gainsaid and by witnesses that could not be impeached a most gigantic scheme of duplicity, violence, and fraud had been revealed. Kansas lay helpless under the feet of a proslavery executive in undisguised complicity with the men who had committed these crimes. Its only hope was in Congress, and there it could only depend upon the House of Representatives, as the Senate was unequivocally committed to the President's policy. On the 23d of March, the Senate proceeded to vote upon the bill for the admission of Kansas. Mr. Crittenden moved a substitute, providing that it should be submitted to a vote of the people, and, if rejected, they should be authorized to choose delegates to a convention to frame a constitution. But this substitute was rejected by ten majority. The Republicans; Bell, Crittenden, and Kennedy, Americans; and Broderick, Douglas, and Stuart, anti-Lecompton Democrats, — voted for it. The bill was then passed by a vote of thirty-three to twenty-five, Mr. Pugh voting against it.

In the House of Representatives, William Montgomery of Pennsylvania, an anti-Lecompton Democrat, offered, as an amendment to the bill, the same substitute which had been offered in the Senate by Mr. Crittenden, and it was carried by a majority of eight. The Senate rejected it, asked for a

committee of conference, and appointed Green, Hunter, and Seward on its part. The House adhered to Montgomery's amendment, but agreed to the committee of conference by the casting vote of the Speaker, and English, Stephens, and Howard were appointed on its part. The committee concurred in a report, Mr. Seward of the Senate and Mr. Howard of the House dissenting. This report was made in both bodies on the 23d of April. It was made in the House by William H. English of Indiana, and was known as the English bill.

This report excited surprise and indignation, and evoked the most determined opposition. Though equivocal and capable of widely different constructions, it was regarded by the friends of Kansas as a surrender. It was, too, in marked contrast with the speech of its reputed author, in which he had not only opposed the Lecompton constitution, but had avowed his purpose, though a personal admirer and stanch supporter of his administration, to part company with the President rather than give it his vote. But now and suddenly he had reached the conclusion that the exigencies of the occasion demanded concession. In his remarks accompanying the report he said: "A great question, perhaps the greatest of the age,—one which has agitated and engrossed the public mind for the past four years,—has at last come to a crisis," and the committee had concluded that "it was not best to hazard longer the peace of the country for the sake of an unimportant point or unmeaning word." He proposed, therefore, to accept the Lecompton constitution, with all its enormities and the admitted fact that it was in no sense the work of the people, "on a condition."

In substance, it offered to the people in connection with the constitution a large land-grant with these conditions: if they voted to accept it, they were to be admitted with the constitution and the land; if they voted against receiving it, they would not receive the land, nor could they become a State until the Territory had acquired a population sufficiently large to elect a Representative to the House. Singular as was the form of this proposition, unfair and double-faced as

were its spirit, purpose, and purport, the circumstances under which it was presented rendered still more reprehensible this action of its movers, and more creditable and almost wonderful the conduct of those who rejected it. For those struggling pioneers, harassed and harried as they were, and strongly tempted to purchase peace at any price, to "spurn the bribe" was indeed heroic, and revealed the stuff they were made of.

Mr. Howard, a member of the conference committee, characterized it as a measure to keep open the quarrel, imposing, as it did, one set of conditions if the Territory applied for admission as a slave State, and another set if it applied as a free State. He said it offered a premium to Kansas to become a slave State; but he thought that if the people could have a fair chance, they would reject it "four to one." Indeed, he predicted that they would never submit to it on any conditions whatever.

The proposition of the bill was, indeed, a gigantic bribe. Bluster and bullying had been tried, exhausted, and they had failed. Mercenary considerations were now proposed, combined with the menace that, if the bribe was not accepted, Kansas could not be admitted until, by the gradual accretion of numbers, its population should reach the general "ratio of representation" for members of the House. Its spirit and purport were tersely expressed and characterized by Mr. Crittenden, whose devotion to slavery would rescue his judgment from the imputation of prejudice against the bill on account of its proslavery character. "This measure," he declared, "says to the people of Kansas: 'If you choose to take this Lecompton constitution with all its imperfections on its head; if you choose to silence all the complaints and all the denunciations which you have made against it; if you choose to humiliate yourselves as freemen by a confession of as much baseness as that would imply, then, no matter what your numbers are, — we shall make no inquiry, — but come into the Union at once, with all the dowry of land. But if you will not come in on these conditions, then you shall not come in at all until your population shall amount to that number which is fixed by the general law as the representation



throughout the country.'” The truth of this allegation was substantially admitted by Mr. Hunter, a member of the conference committee, who declared that the new bill “acknowledges not only the authority of the Lecompton convention, but the validity of their action,” while “it receives the constitution presented by them as the constitution of the people of Kansas”; and Mr. Stephens, another member of the committee, declared that it was never his intention that the constitution should be submitted to the people.

The bill was most earnestly and eloquently opposed by some of the ablest debaters of the House. Among them was Mr. Grow. In a speech at once learned and logical, packed with facts and arguments, and glowing with the fervor of an intense indignation, he analyzed and fearlessly exposed the iniquitous measure. “Four governors,” he said, “have returned from that Territory, all telling the same story to the American people; that is, that the rights of the people of Kansas have all been trampled in the dust, the ballot-boxes violated, their houses burned, their presses destroyed, their public buildings battered down by United States cannon under the direction of United States officers.”

But there were few speeches made during the debate which displayed with more vigor of logic and force of rhetoric the enormity of the bill and of its provisions than that of John A. Bingham of Ohio. “Gloze that bill over with what words you may,” he said, “it is a written crime. Enact it into a law, and it will be a legislative atrocity engrossed upon parchment. Dignify this act with what title you please, history—stern, truthful, impartial history—will entitle it ‘An act to take away the liberties of American citizens.’ Instead of an honest and fair submission to the people,—instead of that, sir, it submits to them a bribe in the way of lands and money. I say to gentlemen, you may pass this bill, but you cannot make the lie perpetual. A lie cannot live forever, it has no vitality in it. Sooner or later it must perish. You may induce the majority to accept the proffered bribe; you may thereby impose upon that young Territory the shame and crime and curse of this brutal atrocity, but you can never

give permanence to such an act of perfidy, to such a system of wrong. In this hour of the world's repose and the world's hope, shall America, the child and stay of the earth's old age, prove false to her most sacred traditions, false to her holiest trust, and by this proposed enactment consent to strike down Liberty in her own temple, and forge chains for her own children? . . . . GOD IS IN HISTORY. Let gentlemen give heed to its lessons of the terrible retribution which sometimes overtakes those who seek to establish an odious and hated despotism on the minds and consciences, the brain and heart, of freemen."

In the Senate the bill encountered a similar earnest and determined opposition. Mr. Stuart said that if he was so borne down by oppression that he was compelled to falsify all his opinions, he would take the naked Senate bill in preference to the measure that stood on nothing "either human or divine"; for it was not like anything "in the heaven above, or in the earth beneath, or in the waters under the earth. . . . It is an anomaly, a miserable, ingeniously concocted pretence to smuggle through Congress, and fasten upon the necks of the people of Kansas, an obnoxious organic law." Mr. Doolittle charged the administration with having forced Geary, Walker, and Stanton out of office because they would not count fraudulent votes, while it continued John Calhoun, the surveyor-general of the Territory, in office, notwithstanding all that had been proved in relation to election returns which had been made to him, and which had been found "hid in a candle-box in his wood-pile." Mr. Douglas referred to the fact that "some of that glorious band of Democrats" felt it to be their duty to support the bill, but he never could "consent to violate that great principle of State equality, of State sovereignty, of popular sovereignty"; that his position was taken, and that he should follow the principle wherever its logical consequences carried him.

Mr. Wilson said this compromise was "a conglomeration of bribes, menaces, and meditated frauds. It goes to the people of Kansas with a bribe in one hand and a penalty in the other." The government had advertised hundreds of thou-



sands of acres of land to be sold in July, and this scheme offered, if she came into the Union under the Lecompton constitution, five per cent of the proceeds of those sales, amounting to hundreds of thousands of dollars; but if she remained out she could not receive this five per cent. This, he said, was a bribe, a temptation to the public men of that Territory to come in now and thus secure the control of these lands. He predicted, however, that they would "spurn the bribe."

Mr. Seward said the bill came back from the conference chamber in the shape of "an artifice, a trick, a legislative legerdemain." It made up and presented to the people of Kansas a fictitious and false issue, bearing "the stamp of equivocation upon every page and every line." Assuming that one or both of two factions are to be deceived, all that is left for the public to consider was: Who is the dupe? He warned the Democratic party that they would fail in the contest, because, for the first time, they would go before the people of the United States stripped naked of every pretence of equality and impartiality, between freedom and slavery, no longer as a party that balances equally between freedom and slavery, but in the detested character of a party intervening for slavery and against freedom. He predicted that Kansas would survive their persecution, and that every Territory that should hereafter come into the Union, profiting by her sufferings and atonement, would come in as a free State. Mr. Cameron denied that the people of Pennsylvania sustained the President's policy. "If the vote were to be taken to-morrow," he said, "the people of Pennsylvania would, by a majority of one hundred thousand, decide that the President had deceived them."

Three Democratic members of the Senate — Douglas, Stuart, and Broderick — and twenty-three members of the House had, at the opening of the session, taken their position against the admission of Kansas with the Lecompton constitution. During the contest, these members were accustomed to meet at the homes of Mr. Douglas and John B. Haskin, a member of the House from New York. Of course, Republican Senators and Representatives could not refuse to confer with anti-Lecompton Democrats if requested to do so. Mr. Wade, Mr. Wilson,



Mr. Colfax, Mr. Burlingame, Mr. Covode, and one or two others, were authorized by many Republican members to hold such conferences; and for that purpose they often met in consultation Douglas, Broderick, Harris, Hickman, and Haskin.

Immediately on the report of the English bill, several anti-Lecompton members exhibited signs of hesitation. Even Mr. Douglas seemed, to some at least, to be wavering. Mr. Broderick, ever brave and true, expressed to Mr. Wade and others his apprehension that, for political reasons, the Illinois Senator might falter, but expressed his determination that, if he did, he would denounce him in the Senate and elsewhere. Two or three evenings before the passage of the bill, there was a meeting of the anti-Lecompton Democrats at the house of Mr. Haskin, to consult on the policy to be adopted. At that conference Mr. Douglas, while avowing his own opposition to the bill, stated it as his opinion that those who had hitherto opposed the measure might consistently go for it, because they could claim that it did "virtually" submit the question at issue to the people. Seeing, as he doubtless did, many who shrank from continuing their opposition to the administration on that issue, and who would probably follow the example of Mr. English, he, from motives of expediency, threw out the suggestion. But it evoked determined opposition. Mr. Broderick indignantly denounced any sacrifice of the principle on which they had hitherto fought the Lecompton constitution. Mr. Stuart expressed similar views, and Mr. Haskin vehemently insisted that it was the duty of each and every one to continue in his opposition. "Its passage," he said, "would enable the administration to retreat by a back-door passage from its support of a nefarious scheme and infamous legislation which President Buchanan and his heads of department should never have favored."

Mr. Cox of Ohio had been the first of the anti-Lecompton Democrats to denounce the proposed constitution. As early as the 16th of December he had characterized it as "a pulseless and heartless thing," which was, "through trickery and fraud, a mass of detestable putrescence." He had branded

Calhoun and his associates as Catalines, who, under obligations of principle and honor, had attempted to subjugate the people's will to their own. At this meeting, too, he had given positive assurances that he should remain true to these clearly announced convictions. And yet in spite of early speeches and this unequivocal pledge, so lately given, he expressed his purpose to support the English bill, though it did not conform to his judgment. He urged the usual claim, however, that he made the sacrifice in the spirit of concession and with a desire for harmony. He admitted that there was no proposition, "in so many words," to submit the constitution to the people, though he thought there was a provision in the bill by which, if the constitution did not meet their approbation, they could give expression to their will; indeed that, though it did not contain the "shadow," the "substance" was there. So strangely did men reason, so wildly did they talk. This action of Mr. Cox created much asperity of feeling, and was most vehemently condemned by Mr. Haskin and many anti-Lecompton Democrats.

The House on the 30th of April passed the bill by a vote of one hundred and twelve to one hundred and three,—Winter Davis and Humphrey Marshall voting in the negative. Twelve of the twenty-three anti-Lecompton Democrats in the House resisted every influence, and stood firm to the end. They were Colonel Thomas L. Harris, the acknowledged leader of the anti-Lecompton forces in that body, Isaac N. Morris, Aaron Shaw, Robert Smith, Samuel S. Marshall of Illinois, John G. Davis of Indiana, Garnett B. Adrian of New Jersey, John B. Haskin and Horace F. Clark of New York, John Hickman and Henry Chapman of Pennsylvania, and Joseph C. McKibbin of California. These gentlemen, who remained firm throughout this stormy struggle against the pressure of political associates and the influences and appliances of the administration, were deserving of high commendation. "Undoubtedly," said Mr. Haskin, in a letter to Mr. Wilson, "some of the anti-Lecompton Democrats who finally voted for the English bill were influenced by official patronage, and some of them, perhaps, by official gifts. Well do I remember

that Senator Slidell, the *fidus Achates* of James Buchanan during the whole of his administration, endeavored to tempt me with a grant of a township of land if I would change my views and support the Lecompton policy. Patronage and gifts were freely given and made to seduce the anti-Lecompton Democrats; and I am proud that the twelve who were true to the last could not be silenced in any way by the blandishments of power, of patronage, or through any corrupt means whatever. I should not," says Mr. Haskin, "omit to refer in terms of commendation of the action of Mr. McKibbin. His father had been for nearly half a century the confidential friend of Mr. Buchanan. He held at the time the position of naval officer in Philadelphia. During the struggle he came to Washington more than once, begged and implored his son, on account of the relations which he had borne to Mr. Buchanan and the office he held, to sustain the policy of the administration. Nevertheless, from the commencement to the end of the struggle, no member was more faithful and more determined in his hostility to Lecompton, in all its shapes, than Joseph C. McKibbin of California."

The bill was brought to a vote in the Senate on the same day it passed the House, and was carried by a vote of thirty-one to twenty-two, Douglas, Crittenden, Broderick, and Stuart voting against it. Thus, after a struggle of five months, in which the administration made no concealment of its unscrupulous purpose to use in unstinted measure its power and patronage for the object aimed at, the Lecompton constitution received the vote of both houses of Congress and the executive approval. But the "condition" affixed made the victory but partial, and the rejoicing of the victors but brief. The people of Kansas had suffered too much, and were too deeply in earnest, to be seduced by the offer of the promised benefits of the bill,—its liberal grants of lands, and its admission as a State,—or driven by the menace of being kept out, to accept a constitution they had no agency in forming, and which they so thoroughly detested. As predicted, they did "spurn the bribe," and they rejected it by a majority of more than ten thousand.



## CHAPTER XLIII.

### THE LINCOLN AND DOUGLAS DEBATE.

Defection of Douglas. — Its significance and effects. — Conferences with Republicans. — Republican hopes. — Lincoln's nomination. — Proposed discussion. — Character of contestants. — Representative men. — Springfield speech. — Its great thought. — Similar sentiment of Mr. Seward. — General line of argument. — Mr. Douglas's reply. — Misrepresentation of Lincoln's position. — Indorsement of the Dred Scott decision. — Generally decorous and dignified manner of the debate. — Specimens. — Mr. Lincoln's appreciation of the gravity of the discussion. — Not always satisfactory to antislavery men. — Devotion to principle. — Results. — The prominence it gave Lincoln. — Douglas's estimate.

THE defection of Mr. Douglas on the Lecompton issue produced a profound impression. It became an important fact in those political complications and that general break-up it heralded, and of which it was a signal example. The prominent part he had taken in the strife, his undoubted ability, his influence with the party, his past unquestioning adhesion to Southern interests, and his uncompromising denunciation of all who refused the same, especially of those who based their refusal on conscientious scruples, all pointed to him as, of all others, the one to lead the Democratic hosts, as unblushingly, and without concealment, they were fighting the battles of the Slave Power. For him to falter then, who had never faltered before, just, too, as the last and final assault on the citadel of freedom was to be made, was well calculated to send consternation into the camp where he had hitherto been so potent and so much at home. Nor did the reasons that impelled his course mend the matter. His plea of consistency and his mode of putting it were more damaging still. Having overthrown the Missouri compromise on the plea of "popular sovereignty," he contended that they could, with no show of reason, support the Lecompton constitution, which completely

ignored such sovereignty by imposing a constitution on a people in the formation of which they had had no voice and to which they were unalterably opposed. And then the well-understood fact that Mr. Douglas hesitated to support this new and advanced position, because he felt that on it he could not carry his State, and that it would imperil his re-election to the Senate, was vastly significant. If Mr. Douglas, with his acknowledged influence, could not carry Illinois, with its admitted Southern proclivities, on the new issue, the slave propagandists might well tremble for the result in other Northern States where the conditions were less favorable.

During the anti-Lecompton struggle of the first session of the XXXVth Congress, Mr. Douglas held frequent consultations at his rooms with leading Republicans, with a view of defeating the constitution then before that body. So emphatic were his declarations that Colfax, Burlingame, Wilson, and other members of both the Senate and the House, were led to believe him to be in earnest, and that he would be practically fighting their battles in the coming Presidential contest. His repeated declarations that he was fully committed to fight the thing to the end, that he had "checked his baggage and taken a through ticket" with the belief that he would be re-elected in any event, led several of the Republicans to look with favor upon his return to the Senate, in the confident expectation that it would tend to divide and disrupt the Democratic party and aid in the election of their candidate for the Presidency. They consequently counselled their Illinois brethren to either aid in electing a legislature, or at least allow one to be chosen, favorable to Mr. Douglas. But the action of the Illinois State Democratic convention in April, in its indorsement of Mr. Douglas, weakened their confidence, and they became less inclined to such a policy, and were ready, on Mr. Lincoln's nomination, to give the latter their sympathy and good-will.

Mr. Greeley, in his "American Conflict," thus expresses the idea: "Senator Douglas had taken so prominent and so efficient a part in the defeat of the Lecompton abomination, that a number of the leading Republicans of other States were desirous that their Illinois brethren should unite in choosing a

legislature pledged to return him, by a vote substantially unanimous, to the seat he had so ably filled." Desirous of breaking the iron rule of the Democratic party, so long wielded, and with such terrible effect, by the Slave Power, they not unnaturally felt that no voice and no arm could be more potent in producing such a result than the voice and arm of Mr. Douglas, if triumphantly returned to his place in the Senate by the aid of Republican support. The Republicans of Illinois could not, however, be persuaded to make such a sacrifice of personal and political feeling. "But it was hardly in human nature," says Mr. Greeley, "that those appealed to should, because of one good act, recognize and treat as a friend one whom they had known for nearly twenty years as the ablest, most indefatigable, and by no means the most scrupulous, of their adversaries." They accordingly put in nomination Abraham Lincoln, and thus inaugurated a political canvass that at once arrested the attention of the nation, and which has become historic.

Both were strong and able men. Each, conscious of his own strength, was perhaps no less aware of that of the other; and they entered upon the conflict with a purpose that allowed no room for parleying or retreat. Both, too, were representative men,—the one of the old *régime* that was soon to pass away; the other, if not the coming man, to be the leader of the coming party, which was destined to sweep the country, defeat the Democratic party, and dry up the sources of its long-continued ascendancy. Like David and Goliath, who, while their respective hosts were confronting each other on the opposite sides of the valley of Elah, went forth to single combat, they for the time being were the champions of the forces of freedom and slavery, gathering for the mighty struggle that was to convulse the country and involve the nation in a long and bloody war. While Mr. Douglas so far defied the armies of the living God as to ignore entirely the moral character of slavery, ostentatiously and in almost every conceivable form expressing his indifference whether it was "voted up or voted down," Mr. Lincoln made everywhere prominent his condemnation of the system, because it was



WRONG, a sin against both God and man. The former, representing the brute force of the nation, proclaimed as the only criterion of his chosen policy what the popular voice indorsed; the other, relying ostensibly at least on the righteousness of his cause, proclaimed the great doctrines of human rights, and appealed to the moral convictions of the people.

Both were expert and adroit, and made the most of any advantage their position afforded them. Mr. Douglas, in his determination to champion the slaveholding interest and retain his hold upon the slaveholding vote, knew that he was putting at hazard his Northern support and going counter to the moral convictions and traditional principles of the free States. He sought, therefore, to justify his course by openly pandering to the prejudice against color, so strong in Illinois, and by constantly referring to his new doctrine of popular sovereignty, and by ringing all possible changes upon this specious and sounding dogma. Mr. Lincoln, on the other hand, in his advocacy of the antislavery principles of the Republican platform, as if aware of their great advance beyond what had hitherto been the accepted principles of the national parties, perhaps of his own political action, made much of the fact that his were but the sentiments of the fathers, and that he only claimed what they fully and freely admitted.

Though what was distinctively called the Lincoln and Douglas debate was confined to seven joint discussions in different sections of the State, and took place on and after the 21st of August, the two candidates had already spoken several times. They were both in earnest, and their purpose was to convince and convert their hearers. Neither was in any mood to sacrifice sense to sound, or to imperil his cause by any desire to amuse or gratify love of novelty and fine speaking. There would naturally be variety, as such men went from place to place, and gave utterance to their views with that exuberance of feeling generated by the heated canvass in which they were engaged and the answering enthusiasm of the thronging crowds who gathered before them. By the terms of the agreement each debate was to be restricted to three hours, each speaker alternately occupying the opening hour; the

other in reply occupying an hour and a half, the first using up the remaining half by way of final rejoinder. This plan necessitated variety. The stimulus afforded by the occasion, the crowd, the stake, the presence of his antagonist to rebut, if possible, every argument, traverse every statement, and criticise both the matter and manner of what each one said, would necessarily evolve new thoughts, new illustrations, new forms of expression, — scintillations only, it might be, thrown off by the rapid evolutions within, but sparkling and attracting attention, nevertheless. And yet the speeches themselves were respectively and substantially, almost confessedly so, the same, with the same leading thoughts, principles, and arguments. If the framework, the skeleton, were not always the same, the materials of which they were composed differed but slightly. The form, the dress varied, but the substance was mainly identical. Like the kaleidoscope, which, when turned, presents the same objects in new combinations, so the speeches of these distinguished men, though seemingly quite different in form and expression, when examined closely and analyzed with care, are found to be made up of materials essentially alike.

Mr. Lincoln was nominated for United States Senator, at Springfield, on the 17th of June, 1858. After the nomination had been tendered him, he addressed the convention in a speech of singular significance and effectiveness. Brief, terse, and strong, bristling with points, most forcibly and felicitously expressed, it not only enunciated the great doctrines of the Republican party, but it indicated with unmistakable signs that the speaker himself was an extraordinary man. His very first paragraph, without exordium or any personal allusion, betokened his earnestness, his singleness of purpose, and his thorough grasp of the great subject he had in hand: “If we could first know where we are and whither we are tending, we could better judge what to do and how to do it. We are now far into the fifth year since a policy was initiated with the avowed object and confident promise of putting an end to slavery agitation. Under the operation of that policy that agitation has not only not ceased, but has con-

stantly augmented. In my opinion it will not cease until a crisis shall have been reached and passed. 'A house divided against itself cannot stand.' I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved. I do not expect the house to fall. But I do expect it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward, until it shall become alike lawful in all the States, — old as well as new, North as well as South."

It is said that great and new thoughts, as well as important discoveries, oftentimes spring up simultaneously in different minds or reward the search of different individuals. And more, that they seem to be developed according to some law of Providence by which they are withheld till the world is ready for them, and then come just when and where they are needed and fall into the very niche provided. It is a somewhat striking coincidence that this new thought, that the Union could not endure "half slave and half free," was put forth by Mr. Seward, but a short time afterward, in his Rochester speech, in a like terse and apothegmatic form, and which at once became proverbial. Alluding to the "antagonistic systems" of freedom and slavery, and to the "collisions" that were resulting therefrom, he thus asked and answered the question: "Shall I tell you what this collision means? They who think it is accidental, unnecessary, the work of interested and fanatical agitators, and therefore ephemeral, mistake the case altogether. It is an irrepressible conflict between opposing and enduring forces; and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation or entirely a free-labor nation."

Having enunciated the great truth of the inevitable tendency of the nation to be "all slave or all free," Mr. Lincoln proceeded to point out the evidences that the tendency then was to make the nation "all slave," by the workings of what he describes as that "almost complete legal combination-piece of



machinery, so to speak, — compounded of the Nebraska doctrine and the Dred Scott decision.” Tracing with masterly and forensic skill the progress already made towards the well-defined and determined policy of making slavery no longer sectional but national, he said the only remaining thing to be accomplished was “to educate and mould public opinion — at least, Northern public opinion — not to care whether slavery is voted down or voted up.” With this effected, and “another Supreme Court decision declaring that the Constitution does not permit a State to exclude slavery from its limits, . . . we shall lie down pleasantly dreaming that the people of Missouri are on the verge of making their State free, and we shall awake to the reality, instead, that the Supreme Court has made Illinois a slave State”; and “all this will be upon us,” he added, “unless the power of the present political dynasty can be met and overthrown.” He closed with the expression of his confidence that the omens were auspicious and that ultimate success was sure. “Wise counsels,” he said, “may accelerate or mistakes delay it, but, sooner or later, the victory is sure to come.”

On the evening of July 9, Mr. Douglas addressed a mass meeting in Chicago, when he made formal reply to the above, in connection with a defence of his own course upon the Le-compton issue. The latter he based upon the great doctrine of popular sovereignty, which forbade the forcing upon Kansas of a constitution against the clearly expressed will of her people, though he was careful to add that the fact that “slavery is an evil” had no place in his argument. Referring to Mr. Lincoln’s speech as containing the basis on which he proposed to carry on the campaign, he said: “In it he lays down two distinct propositions which I shall notice, and upon which I shall take a direct and bold issue with him.” The first of these propositions was what Mr. Lincoln had said on the “divided house.” Holding up Mr. Lincoln’s expectations as synonymous with his advocacy, he said, as if correctly interpreting, though grossly misrepresenting, the language employed: “In other words, Mr. Lincoln advocates boldly and clearly a war of sections, a war of the North against the South, of the free

States against the slave States, — a war of extermination, — to be continued relentlessly until the one or the other shall be subdued, and all the States shall either become free or become slave.” Against this exaggerated and really false view he interposed for reply that there was no necessary incompatibility between free and slave States in the same Union; that the fathers so constructed it, fully knowing that, though “the laws and domestic institutions which would suit the granite hills of New Hampshire would be totally unfit for the rice plantations of South Carolina,” they could belong to the same federation of States. Indeed, he contended that in this “diversity, dissimilarity, and variety, lay the great safeguard of our liberties.”

The other proposition to which he took exception was what he styled Mr. Lincoln’s “crusade against the Supreme Court of the United States on account of the Dred Scott decision.” After affirming, and elaborating the affirmation into various forms of expression, that he accepted as “final” “the decision of the highest tribunal known to the Constitution,” he proceeded to controvert the reasons assigned by Mr. Lincoln for his objection to the decision that it denied citizenship to the African race. Among other utterances was this: “I am free to say to you that in my opinion this government of ours is founded on a white basis. It was made by the white man, for the benefit of the white man, to be administered by white men in such manner as they should determine.” Affirming that the issues between himself and Mr. Lincoln were “direct, unequivocal, and irreconcilable,” and that he stood on the same platform he had always proclaimed, he said: “Fellow-citizens, you now have before you the outlines of the propositions which I intend to discuss before the people of Illinois during the pending campaign.”

The discussion was generally conducted with dignity and gentlemanly decorum. Though both had occasion to express themselves strongly, they seldom failed to exhibit the amenities of professional courtesy and good-breeding, though in several personal rencounters, when calling each other to strict account for alleged misstatements and misrepresentations of themselves or friends, they seemed on the very verge of indeco-

rous and unparliamentary language. But, with a few seeming exceptions, they maintained a gallant and knightly bearing towards each other, with a bold and fearless utterance of their real sentiments, though they sometimes knew that they were very offensive to the audiences they addressed. Douglas was audacious and defiant, Lincoln was calm and unimpassioned; the former impulsive and easily nettled, the latter, though equally in earnest, good-natured, and always ready with a story, anecdote, or quaint expression, to excite a smile and restore good-humor.

It would be easy to pick up, scattered through these debates, not a few memorabilia, fine specimens of that peculiar style, that marvellous way of putting things, that subsequently characterized Mr. Lincoln's papers; that versatility in matter and manner, as, changing

“ From grave to gay, from lively to severe,”

he enunciated now the sublimest thoughts in the most appropriate language, and now, with most fitting words, gave expression to the keenest irony and mirth-provoking drollery. As an example of the former was his reply, at Alton, to the question, “ Is slavery wrong ? ” “ That,” he said, “ is the real issue. That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between those two principles — right and wrong — throughout the world. They are two principles that have stood face to face from the beginning of time, and will ever continue to struggle. The one is the common right of humanity, and the other the divine right of kings.” In his speech at Springfield he said : “ Judge Douglas is going back to the era of the Revolution, and, to the extent of his ability, muzzling the cannon which thunders its annual joyous return. When he invites any people willing to have slavery to establish it, he is blowing out the moral lights around us. When he says he ‘ cares not whether slavery is voted down or voted up,’ — that it is a sacred right of self-government, — he is, in my judgment, penetrating the human soul, and eradicating the light of reason and the love of liberty in this American people.”



As specimens of his irony and good-humor, there is in the same speech a comical contrast he draws between himself and Judge Douglas. After describing the prestige and patronage belonging to the latter as the expected President, he said: "On the contrary, nobody has ever expected me to be President. In my poor, lean, lank face nobody has ever seen that any cabbages are sprouting out." Referring to Mr. Douglas's determined adhesion to the opinion of the court, he said: "But I cannot shake Judge Douglas's teeth loose from the Dred Scott decision. Like some obstinate animal—I mean no disrespect—that will hang on when he has once got his teeth fixed, you may cut off a leg, or you may tear away an arm, still he will not relax his hold; and so I may point out to the judge, and say that he is bespattered all over, from the beginning of his political life to the present time, with attacks upon judicial decisions. I may cut off limb after limb of his public record, and strive to wrench him from a single dictum of the court, yet I cannot divert him from it."

Good illustrations, too, of sharp discrimination and the forcible and pregnant use of words, were his characterization of the doctrine of popular sovereignty, as meaning that "if any man chooses to enslave another no third man shall be allowed to object," and his exhibition of the inconsistency of accepting both the doctrine of popular sovereignty and that of the Dred Scott decision, which was "declaring," he said, "that a thing may be lawfully driven away from a place where it has a lawful right to go"; and also his reply to the assumption that, because he advocated giving negroes their natural rights, he was in favor of social equality. "I protest against the counterfeit logic," he said, "which concludes, because I do not want a black woman for a slave, I must necessarily want her for a wife."

Comprehending the magnitude of the contest and the gravity of the occasion, he spoke at Quincy of "these seven joint discussions" as "the successive acts of a drama" enacted "in the face of the nation, and to some extent in the face of the world"; and he added, "I am anxious that they should

be conducted with dignity and good temper, which would be befitting the vast audience before which it was conducted." In regard to one of his questions to Mr. Douglas, and the probable one of two answers which the latter would give, — either of which would seriously embarrass him, — he said to a friend: "If he does, he can never be President." "But," said his interlocutor, "he may be Senator." "Perhaps," replied Mr. Lincoln, "but I am after larger game; the battle of 1860 is worth a hundred of this." How much was implied in this remark — whether it involved personal considerations, or was spoken only in hope of the success of the Republican party — can never be told. It revealed, however, the comprehensiveness of the survey he took, and the elevated outlook from which he viewed the prospective results of the efforts he was then making.

Though Mr. Lincoln took high and advanced ground, and appealed with singular and unwonted directness to the moral convictions of his hearers, it is due to historic truth to admit that he was not always consistent; that some of his assertions and admissions were both unsatisfactory and offensive to antislavery men, betrayed too much the spirit of caste and prejudice against color, and sound harshly dissonant by the side of the Proclamation of Emancipation and the grand utterances of his later state papers. How much of this was personal and how much was political — how much was the expression of his own sentiments and feelings, and how much was spoken in deference to the prejudices of his constituents — may never be known. The statement is due, however, to his memory, and as an offset to any harsh judgment which may be formed concerning those unfortunate expressions, that on some occasions Mr. Lincoln exhibited a lofty devotion to principle and a sublime self-abnegation which under the circumstances have few parallels. His Springfield speech affords an illustration. Mr. Lincoln expected the nomination as candidate in opposition to Mr. Douglas. The contest to which it invited him he knew would be close and severe, and that he needed to husband all his resources, make no mistakes, and give his wily antagonist no undue advantage. The speech

was to be a kind of pronunciamiento, and was prepared beforehand with great care. It was read to a company of his personal and political friends, who all decided that it was too radical and too far in advance of the public sentiment. Especial objection was made to the expression: "A house divided against itself cannot stand." William H. Herndon, his law partner, was present, and states that Mr. Lincoln in reply to the objection said: "That makes no difference; that expression is a truth of all human experience,—‘A house divided against itself cannot stand,’ and ‘He that runs may read.’ The proposition is indisputably true, and has been for more than six thousand years; and I *will* deliver it as written. I want to use some universally known figure, expressed in simple language as universally known, that may strike home to the minds of men, in order to rouse them to the peril of the times. I would rather be defeated with this expression in the speech, held up and discussed before the people, than to be victorious without it."

The canvass resulted in the election of a legislature in which there was a small majority in favor of Mr. Douglas, though in the popular vote he was in a minority of some four thousand. But the vigor, ability, and skill with which Mr. Lincoln had conducted the canvass placed him at once before the country as one of its foremost men. Nor were any more ready to acknowledge this than Mr. Douglas, who told his political friends, when he was nominated by the Republicans for the Senate, that they would be obliged to do their best to defeat him. On the return of the latter to Washington, after the senatorial contest, he said to Mr. Wilson, in reply to the question as to what he thought of Mr. Lincoln: "He is an able and honest man, one of the ablest men of the nation. I have been in Congress sixteen years, and there is not a man in the Senate I would not rather encounter in debate."



## CHAPTER XLIV.

### SCHOOLS IN THE DISTRICT OF COLUMBIA.

Slavery always obtrusive. — Brown's bill. — Wilson's amendment and speech. — Amendments of Clark and Harlan. — Southern hostility to the education of the blacks. — Brown, Mason. — Intolerant sentiments of Jefferson Davis. — Wilson's response. — Myrtilla Miner. — Preparation for her great work. — Successful efforts. — School for colored girls. — Countenance and aid from some of the leading citizens of Washington. — Serious and violent opposition. — Growth and character of the institution. — Profitable investments. — Miss Miner's death. — Suspension. — Subsequent action of Congress. — Miss Miner's character and work. — Failure of Brown's bill.

THE maladies of society, like those of the body, are mainly known by their symptoms. There is, therefore, no surer test of the nature, extent, and inveteracy of the disease that was preying upon the Southern portion of the country, by which, too, the North was largely affected, at the opening of the XXXVIth Congress, than is revealed by the sentiments expressed and spirit manifested in that body, especially during its first session. Overshadowing all others, it happened that whatever might be the subject before it, if it could by any means be tortured into such shape, the slavery issue became the topic of discussion, keeping the specific purpose of the debate in the background, if it was not lost sight of altogether. Jefferson Davis, by way of complaint of Republican members, it is true, though his testimony is to the point, petulantly exclaimed: "I have heard no question yet discussed as a great political and constitutional question during the present session of the Senate, but in every instance, sooner or later, and generally by a single bound, they plunge into the question of that species of property which is held in the Southern States."

This was specially apparent in a short and sharp discussion of a bill introduced by Mr. Brown, proposing to surrender a

certain portion of fines and forfeitures collected in the District of Columbia "for school purposes." On this seemingly unimportant and innocent proposition there sprung up a debate that revealed, as few debates of that excited session had done, the hidden life and purpose of slaveholding society. It not only challenged attention and compelled the nation to gaze upon the nakedness of the land it cursed, but it showed how naturally and necessarily such results must follow such a cause.

On the motion to put the bill upon its passage, Mr. Wilson moved, as an amendment, that a million of acres of the public lands should be donated to the District for the instruction of "free children." In his remarks upon this amendment Mr. Wilson stated that there were eleven thousand children between the ages of five and sixteen, that only twenty-five per cent were in the common schools, that fifty-one per cent were in no schools at all, that hundreds of scholars sought admission in vain for lack of accommodations, and that "the school-houses owned by the city amount to only about ten thousand dollars." Indeed, according to the testimony of Mr. Brown himself, only some thirty thousand dollars were raised annually for schools. Such was the meagre, the disgraceful showing at the beginning of the year 1860 in the proud but slave-ridden capital of the great Republic.

Mr. Clark of New Hampshire moved to amend by providing that the children of no persons who were taxed under the provisions of the act should be debarred from attending "some of said schools." This amendment involved the principle of providing education for colored children, though no one at that time even suggested the possibility of what has since excited so much acrimonious discussion, "mixed schools." The most that was claimed was embodied in an amendment offered by Mr. Harlan of Iowa, that "separate schools shall be provided for the education of the colored children of the District." The ordinary arguments were urged, deduced from the necessary connection between education and the prosperity and maintenance of free institutions; Mr. Clark pertinently putting the question: "How can you better improve the city than by

improving the people, as well as the earth and the streets?" The main significance of the debate, however, appeared in the arguments and admissions of those who opposed the three amendments.

Mr. Brown revealed his impatience by spitefully remarking: "This thing ends where I was fearful it would end at the start. It curls in the head of a nigger." Sneering at "Northern philanthropy" for the negro, he said that the mover of the amendment knew "perfectly well that he was introducing a torpedo into this bill, which must destroy it"; for he well knew that the "thirty Southern Senators on this floor will not consent to take charge of the education of the negroes." He expressed his willingness to exempt the property of the free colored people from the taxation involved in the law; but he said he would not "insult the intelligence and dignity of this enlightened community by a proposition that looks to putting white children on an equal footing with negro children." He recognized and defended the legitimacy of the claim upon the property of the District for whatever was necessary to educate its white children; but he ignored entirely any demand for the improvement of the colored population. He did not object to their taxing themselves for that purpose, but he denied entirely the obligation, and discarded the policy, of the government undertaking it.

Other Southern members were far more outspoken, avowing the most diabolical sentiments, damaging alike to themselves and to the system they championed. Mr. Polk condemned the bill and all its provisions, for white as well as black. "I am opposed," he said, "on principle to the government taking charge of its citizens or the education of their children. I say, let the citizens take care of themselves, and let the fathers educate their own children." Mr. Mason, referring to the admission of Mr. Brown that he had no objection to the colored people taxing themselves for the purposes of education, said: "I dissent from him altogether." And he proceeded to state that the policy of Virginia and Maryland was "to prohibit the education of the negro race," — a policy he characterized as "wise," and in harmony with those laws of Virginia



which made it a "misdemeanor" for a negro to remain in the State after his emancipation. This being the policy in those States, he objected to the introduction of any policy in the District not in harmony with that which they had adopted. Nor would he, he said, depart from the general legislation of the slave States. That this policy and spirit of exclusion and ignorance enunciated by these Senators was that of the slaveholders, and of the great body of the Democratic party as well, was made apparent by the admission of Mr. Brown that he was depending on Republican votes, as he had been able to secure only "two" Democratic votes for his measure. Speaking reproachfully to the Republicans for putting in peril his bill for the white children by their overweening regard for the black, he said: "Seeing that I had no support on this side for educating either whites or blacks, I thought myself justified in appealing to the other side in favor of our own race." Such was the record, not of a few Southern extremists alone; but in the year of grace 1860, such was the humiliating confession which a prominent Democratic politician, at the head of an important committee, was compelled to make of the Democratic party itself.

Jefferson Davis was no less emphatic in the expression of the extreme opinions that ruled the hour. Speaking of the admission that there might be separate schools, he inquired with lordly impatience: "What right have you to take charge of that race at all? Where do you get your authority? The government was not made for them." "Can it be expected," he asked again, "that we shall sit here and hear the question argued as to the equality of the races?" Contending that the equality had never been admitted in any section of the Union, he exclaimed: "This pseudo philanthropy is an excrescence on the American mind, springing from a foreign germ." A sharp colloquy having sprung up between him and Mr. Wilson on the equality of the races, in which the latter had contended that the negro race had an equal right to life, liberty, and property, Mr. Davis proceeded in a very offensive manner to lecture him on the impropriety and lack of senatorial courtesy in such utterances. "Sir," he said, "as long as

Massachusetts chooses to assign the Senator a seat here he has the right to speak. If Massachusetts confers upon him the right to speak, he should be careful that he speaks as becomes the place, and the position which he holds." After speaking of the "bold words" of the Massachusetts Senator, and of the "responsibility" of members for their utterances, he said: "I can feel little respect for that character of conscience which permits a man to give offence, but does not permit redress."

Mr. Wilson, in reply, after alluding to the Senator's "tones of arrogance and superiority on this floor," to his "language unworthy of the Senate of the United States," and to his expressed unwillingness to hear "discussions of negro equality," replied that while "he remained here he must listen to these questions when we choose to discuss them." "The gentleman," he said, "is accustomed to come into this chamber, and to bring the teachings, the philosophy, of the slave system, and blurt them into the face of Christian and civilized men; and when we oppose it, lectures are read to us, — to men who stand upon Christian principles taught in God's Holy Word. And when we propose to educate a few colored children in this District, Senators say we are insulting them. I advise Senators to let the humane current of an advancing and Christian civilization spread over this continent." "There is," he continued, "a noble woman here in Washington teaching colored girls; and if the Senator from Mississippi and the Senator from Virginia visited that school and saw the mental culture there, if they would not be proud of it, and thank God that these darkened minds were being cultivated by the efforts of philanthropy, I misunderstand those gentlemen altogether." Alluding to the Senator's remark about "responsibility," and its unmistakable reference to "the barbarous code of the duello," he said: "The Senator talks about a responsibility. Sir, the laws of our country have branded the infamous code to which he has referred as a crime. As a law-abiding man I cannot resort to it. The law of God has put its brand upon it, and I will not accept it. I say here and now to Senators, that, while I repudiate that code, I shall not shrink from

uttering my sentiments freely and accepting the full responsibility of them, and I shrink from nothing that is legal and right in their vindication." In closing, he said: "The record is made. I am ready to leave the record of my sentiments avowed here to the country, to civilized, Christian, and enlightened men. I am ready to let his sentiments and my sentiments go out to the American people, and let them see which are most in harmony with the laws of nature, the laws of God, and the laws of a refined Christian civilization."

The "noble woman," referred to by Mr. Wilson, was Myrtilla Miner, one of the heroines of the irrepressible conflict, not because she figured largely upon the theatre of popular discussion, or entered her public protest against the evils of slavery, but because in the humble walks of the lowly she quietly sought out and with patient and protracted effort educated the children of the proscribed and prostrate race. Born to poverty in a farmer's house in Northern New York, and with a feeble body, she sought, and found, the path to an education. Thus fitted in part for her life's work, she went to Mississippi, and was governess in a planter's family. The enormities she there witnessed, the persistent and systematic outrages perpetrated upon the colored race, filled her with unmitigated horror at the nation's sin, and with intense sympathy for its victims. Supplementing the preparations already made, this experience fitted her more fully for her subsequent devotion and self-abnegation in behalf of the objects of her charity.

Casting around for a place in which she could most successfully embody her thoughts in some practical scheme, she selected the District of Columbia because its laws allowed the education of free colored children. Here, in the autumn of 1851, she opened a school for colored girls. Her main idea was "to train up a class of colored girls in the midst of slave institutions, who should show forth in their culture and capabilities to the country and to mankind that the race was fit for something higher than the degradation which rested upon them." She commenced her work with small beginnings,—only two or three girls in a little room fourteen feet square and



owned by a colored man. It was, however, soon filled, and in two months new quarters were found. From them they were driven by the threat of conflagration, so that in the course of a few months she occupied no less than four different rooms. Great and gratifying success attended her labors. With wonderful and untiring activity Miss Miner directed her efforts to both the whites and the blacks, to find among the latter the raw material she desired to work up or educate, and among the former the co-operation and means by which she could accomplish this blessed purpose. Nor did she fail of imparting much of enthusiasm to both; for it was a matter of grateful recognition then, and of remembrance since, that among the leading men and families of Washington she found patrons and earnest friends, who lent both countenance and material aid to her mission of love and good works. For even in those dark days of proslavery violence and compromise there were not wanting members of Congress who were won to her support by her welcome importunity and the beauty of her pure and perilous endeavor; while the carriage from the residence of Mr. Seward, often seen standing before her humble school-room, attested the interest felt in the work of the brave and heroic woman by the wife and daughters of the New York Senator.

Nor did she need less than this to shield her from the fierce and unrelenting opposition she encountered; for all she did was at much personal hazard. She was insulted, and threatened with personal violence; men visited her school-room with the menace that she continued her work at her peril; coarse boys sought to terrify her unoffending pupils as they emerged from the school-room and passed along the streets. In the spring of 1860, while she was alone and asleep in the second story, her house was set on fire, which, however, she was fortunately enabled to extinguish. And these exhibitions of lawless violence were but the natural outcome of the principles entertained and publicly proclaimed by the leading men of the District. An ex-mayor, who at first had encouraged her enterprise, so far yielded to the terrible despotism which dominated over the public sentiment of the city as to publish

over his own signature an article in the "National Intelligencer" discountenancing "raising the standard of education among the colored population," on the ground that it would not be just to the white population "to extend to the colored people a degree of instruction so far beyond their social and political condition; which condition," he contended, "must continue in this and every slaveholding community."

But notwithstanding her straightened means and small accommodations and the stern opposition she encountered she was neither dismayed nor discouraged. Nothing daunted, she moved on with serene confidence in the successful issue of her plans, — an issue, as forecasted in her enthusiastic and hopeful imaginings, in signal contrast with anything she had yet experienced. For her plans were comprehensive and contemplated large results. Nor did she seem at all inadequate to her part of what she had undertaken. With untiring energy, devotion, enthusiasm, not to say magnetism, she seemed wonderfully successful in impressing others and winning them to her support. By a fortunate purchase, at the moderate price of four thousand dollars, a whole square, containing some three acres, had been secured in the northwestern part of the city, on which was a small wooden house and three cabins. These became her seminary and home. She gave to each of her pupils a flower-plot, and required her to cultivate it. Here she gathered paintings, engravings, magazines, papers, and apparatus. Here, too, in addition to their ordinary studies, her pupils had the privilege of becoming interested and instructed in matters of literary and æsthetic culture. Her plan was to found a female college, with suitable accommodations for one hundred and fifty boarders, with all the provision and appliances of a first-class institution. The war, however, intervened; and soon after its close a severe accident suddenly arrested all effort on her part, and the project she so auspiciously began was never resumed, though Congress in 1863 incorporated an association which succeeded to this trust. This association sold the real estate for more than ten times the amount Miss Miner paid for it. It now has a fund of nearly fifty thousand dollars, the income of which is

devoted to the education of colored youth for the profession of teachers.

There is something touchingly impressive in the life and purpose of Miss Miner. To the great and grim tragedy of human affairs they afforded a delightful episode. In this selfish world, — with its grasping, jostling throng, — she seemed like some angel ministrant on her mission of mercy. On the dark background of the nation's history it seemed an illuminated picture, resplendent with truthfulness and love. Her life of romantic incident was at once redolent and beautiful. It was in itself a sweet poem, a living evangel of a heart yearning toward humanity and filled with a sublime trust in God.

Nothing, however, came of Mr. Brown's bill ; nor was it brought up again for discussion. But the record of the debate remains, with its damaging admissions, its outrageous avowals, and its tyrannic demands. And such was slaveholding, its results and proclaimed necessities, in the high noon of the nineteenth century, at the capital of the great Republic, as described, too, by its own advocates themselves in the high places of the land. And it was for this they clamored so vociferously, sacrificed the amenities of friendly debate, the fraternal feelings of good neighborhood, and all the advantages of union ; for this they were even then on the eve of rushing into rebellion and all the horrors and risks of civil war.



## CHAPTER XLV.

### JOHN BROWN'S INVASION OF VIRGINIA.

Assault on Harper's Ferry. — Conflicting opinions. — John Brown's birth, early life, and characteristics. — His deep philanthropy. — His life in Kansas. — His great work. — Meeting in Canada. — Plan of government. — Officers under it. — Meeting in Central New York. — Hesitation. — Final acquiescence. — Secret committee. — Brown visits Boston. — Letters from Forbes. — Movement deferred. — Again visits Kansas. — Aids in the escape of slaves. — Again visits Boston. — Aid furnished by committee. — Kennedy Farm. — Letter to the Secretary of War. — Assault made. — Brown and party overpowered. — Visited by Wise, Mason, and Vallandigham. — His replies, and their influence. — Letters of Mrs. Child, and replies. — Trial and conviction. — Visit of Mrs. Brown. — Liberal action of Governor Wise. — Execution. — Body delivered. — Journey homeward. — Funeral. — Remarks of Wendell Phillips. — Impression. — Voice of the press and of public meetings. — Estimate of his character and act.

THE raid on Harper's Ferry and its failure, the capture, trial, conviction, and execution of John Brown and his followers, startled and profoundly stirred the nation. The South was excited, furious, and unanimous. The North was hardly less excited, but regretful and divided. Antislavery men generally deplored and condemned the invasion, though they admired the stern devotion to principle and the heroism displayed therein, sympathized with its actors in their misfortunes, and mourned over its tragic results. Many, however, who admired and pitied the heroic old man and his hardly less heroic followers, felt that such a revolutionary movement compromised legitimate reforms and put in peril rightful opposition to slavery. Nor were they mistaken; for, at once and everywhere, proslavery men and presses sought to fix the odium of this lawless act upon antislavery organizations, and especially upon the Republican party. Although they signally failed in this, they did, for a time, greatly intensify the popular feeling against antislavery men and antislavery measures.

John Brown was a Puritan, and a lineal descendant of the Pilgrims. He inherited the spirit as well as the blood of his ancestry. Born in Connecticut, in the year 1800, he was taken by his father, at the age of five years, to the Western Reserve. Living in straitened circumstances in that pioneer home, he early exhibited those marked developments of character which distinguished him in after life. He was strictly conscientious and sternly religious. The Bible and the experimental writings of such men as Baxter and Bunyan were the chosen companions of his leisure hours. Principle and a nice and exacting sense of justice were the regal elements of his character, and unselfishness the resplendent virtue of his strange career. To relieve suffering, and to vindicate the rights of the injured and oppressed, were the leading objects of his life.

Recognizing no rightful claim of the master to his slave, the Underground Railroad early and ever found in him a practical and most efficient agent. Such relief of the oppressed, however, he deemed individual and of small account, and he looked for something more nearly adequate to the work to be accomplished. Despairing of a peaceful solution of the issue, the idea entered his mind that "perhaps a forcible separation of the connection between the slave and his master was necessary to educate the blacks for self-government." But, in common with his countrymen, he underestimated the strength and tenacity of the Slave Power, and underrated the difficulties in the way of the slave's redemption. Evidently, too, his wish was father to the thought, as he interpreted the probable designs of Providence towards removing the fearful evil. His reply, to one who informed him he had been marked by the Missourians for death, that "the angel of the Lord will camp round about me," revealed the secret conviction that his destiny was linked with that of the slave, and that he was a chosen instrument of the Lord to work out his deliverance. This thought unquestionably affords a key to his life, and explains many things which might otherwise seem inexplicable.

With such convictions, it is not strange that such a man should be drawn to Kansas by the terrible scenes there enacted,

and that he should have taken a prominent part in that great struggle ; though the immediate cause of his going there was a request for arms from his four sons, who had gone there to make for themselves homes. He hoped, too, to aid the struggling freemen there to rescue that fair territory from the polluting touch of slavery. Not to make for himself a home, but to aid others to build for coming generations, was this courageous, self-forgetful, and future martyr willing to encounter the hardships and to brave the dangers which were involved in such a purpose.

But he felt that his work, that for which he believed he was specially called of God, that over which his soul had brooded for nearly a generation, was not thus to be accomplished. He had done something, but it was only individual and fragmentary. He would relieve an enslaved race, and destroy the system that was crushing it. Combination and conference were needed, and early in the spring of 1858 he sent out a call from Chatham, Canada, for "a very quiet convention at this place" of the "true friends of freedom." Such a meeting was held ; and one of its acts was the adoption of a paper, drafted by him, entitled "Provisional Constitution and Ordinances for the People of the United States." In this paper, designed to give shape and direction to the movement, it was provided that the offices of president and commander-in-chief should be held by different persons. Brown was elected commander-in-chief, Richard Realf was chosen secretary of state, and J. H. Kagi was made secretary of war.

There is much that is strange and inexplicable in all this ; and it will ever remain a mystery, whatever explanations may be made, how sane men could hope to establish such an organization, with a constitution setting forth the three departments of government, legislative, judicial, and executive, defining crimes and their penalties, including death even, and yet affirm, as it is affirmed in the forty-sixth of the forty-eight articles, that "the foregoing articles shall not be construed so as in any way to encourage the overthrow of any State government or of the general government of the United States,



and we look to no dissolution of the Union, but simply to amendment and repeal; and our flag shall be the same that our fathers fought under in the Revolution."

In the autumn of 1857 Brown began to organize a small body of men. For the purpose of giving them military instruction he employed Colonel Hugh Forbes, an English adventurer, who had fought with Garibaldi. The two, however, failed to see alike. The stern Puritan, who knew far more of Gideon than of Napoleon, and who looked upon war mainly in its providential aspects, had little in common with the mere adventurer, without convictions, and who looked upon war as a matter of science and a wise use of brute forces. They disagreed and separated. Immediately Forbes wrote letters to Dr. Samuel G. Howe and Frank B. Sanborn of Massachusetts, complaining that Brown had not fulfilled his promises.

In January, 1858, Brown left Kansas and went to the home of Frederick Douglass in Rochester, New York, where he wrote his plan of government. From this place he wrote to Theodore Parker, Mr. Sanborn, George L. Stearns, and T. Wentworth Higginson, asking them to aid him by raising a small sum of money to carry out "an important measure, in which the world had a deep interest." In these and other letters he spoke of important things he was intending to do, but gave no definite explanations. He wrote also to Sanborn, Stearns, and Howe, and requested them to meet him at the home of a friend in Central New York. Sanborn was, however, the only one to respond, reaching the place on the 22d of February. Here he met Brown and his own classmate, Edwin Morton, a native of Massachusetts, then a member of Gerrit Smith's family, afterward a lawyer of Boston. To this little company Brown explained his proposed constitution, indicated his plans, and specified the middle of May as the time to commence operations. For the purposes named he desired them to aid him by furnishing a thousand dollars. Recognizing the character, magnitude, and difficulties of his scheme, and the obvious inadequacy of the means, even what was asked for, to the end proposed, they endeavored to dissuade him from his purpose, or, at least, besought him to defer his attempt; but he was inflexible.

It was manifestly a moment and a case, like many that were constantly arising during the dreary reign of the Slave Power, when the best men were in a position where there seemed at least a conflict of duties, — where, the more conscientious a man was the greater the difficulty in deciding, — and where, whatever the decision, there was at least some apparent infringement of admitted obligations. They listened late into the night and during the following day; and then, though still unconvinced by his arguments, they yielded to the potent and personal influence of the man. One well acquainted with the circumstances of that conference thus writes in the “Atlantic Monthly” of 1873: “As the sun was setting over the snowy hills of the region where they met, the Massachusetts delegate walked for an hour with the principal person in that little council of war. The elder of the two, of equal age with Brown and for many years a devoted abolitionist, said: ‘You see how it is; our old friend has made up his mind to this course of action, and cannot be turned from it. We cannot give him up to die alone; we must stand by him. I will raise so many hundred dollars for him; you must lay the case before your friends in Massachusetts, and see if they will do the same.’”

This he did, and at the suggestion of Theodore Parker Brown visited Boston in March. Howe, Sanborn, Stearns, and Higginson consulted with him. To them he communicated his proposed invasion of Virginia, though he spoke of his purpose in regard to Harper’s Ferry only to Mr. Sanborn. A secret committee consisting of these gentlemen was formed to raise the necessary means. This was speedily accomplished; and it was decided to strike the first blow in the latter part of May. Arriving in Chatham, Canada, on the last of April, he learned that Forbes was in Washington, threatening to disclose his plans to Republican members and the government, unless, as he insisted in letters, written in April and May, to Howe and Sanborn, that Brown should be dismissed as leader, and himself installed in his place. These letters being submitted to the secret committee, it was finally agreed, Higginson dissenting, that the attack should be

deferred. But Brown had determined, notwithstanding these threats of Forbes, to go forward.

In May, Forbes communicated to Dr. Bailey of the "National Era," and to Senators Seward, Hale, and Wilson, that arms which had been furnished by the Massachusetts Kansas committee had passed into the hands of Brown, who was intending to use them for unlawful purposes. Alarmed at this information, though general and not specific, Mr. Wilson, at the request of Dr. Bailey and Mr. Seward, wrote to Dr. Howe on the 9th of May, disclosing this information, suggesting that such use of the arms would inure to the disadvantage of those who had contributed them for the defence of Kansas, and pressing upon him the importance of immediately recovering them. This letter was laid before the secret committee, and forwarded at once to Brown in Canada. "This awkward complication," says the writer in the "Atlantic," "seems to have decided Dr. Howe in favor of postponing the attack, and both he and Mr. Stearns, as members of the Kansas committee, wrote Brown that the arms must not be used for the present, except for the defence of Kansas. The latter saw that nothing could then be done, and yielded, though with reluctance, to the postponement."

A meeting of the secret committee was held at the Revere House, Boston, on the 24th of May. It was agreed that the assault should be deferred till the spring of 1859; that two or three thousand dollars should be raised for Brown's assistance; and that the rifles, which were the real property of Mr. Stearns, should be transferred to him, and thus the Kansas committee should be relieved of all responsibility. He visited Boston the following week, saw the secret committee, received the custody of the arms from Stearns and five hundred dollars. But, as nothing could be done for the furtherance of his Virginia scheme, he accepted the committee's suggestion that he should return immediately to Kansas, and he at once departed to aid the free State settlers there.

While untiring in these efforts, he was, as ever, intent on aiding the slave in his attempt to escape. Learning that a family of slaves, just beyond the border, were to be sold for



Texas, he planned and effected their escape with that of five others. This occasioned great excitement, and the governor of Missouri offered a reward of three thousand dollars for his arrest, which was increased by the addition of two hundred and fifty dollars by President Buchanan. This, with the public disavowal by the free State men of all sympathy with his course, induced him to leave the Territory, though hotly pursued by his enemies. With a dusky retinue of eleven bondmen, he set forth on his long, uncertain, but finally successful journey for freedom for them and safety for himself.

In May, 1859, Brown visited Boston to confer again with the secret committee, to mature plans, and to make arrangements for future action. On the 28th he dined at the Parker House with the "Bird Club," in company with two or three members of the secret committee. While at the dinner-table he sat next to Mr. Wilson, who had never seen him before. Being in possession of the letter of the latter to Dr. Howe, which had arrested his expedition, he said: "Senator Wilson, I understand you do not approve my course." To this remark Mr. Wilson replied: "I am opposed to all violations of law, and to violence, believing that they lay a burden on the anti-slavery cause." To this he responded with some positiveness and no little emphasis: "I do not agree with you, sir." He left Boston in June, having received from the secret committee some two thousand dollars, more than half of which, says the "Atlantic" writer, was the gift of George L. Stearns, "who must have furnished the old hero, first and last, more than ten thousand dollars in money and arms." This committee furnished John Brown about four thousand dollars, and nearly twice that amount in arms; most of it given with knowledge of the real object for which it was furnished.

Soon after leaving Boston, Brown went to the Kennedy farm on the Maryland side of the Potomac, five miles from Harper's Ferry, which he had rented, and which he made his rendezvous. During the summer and early autumn recruits came first to Chambersburg, Pennsylvania, and thence to this farm. Of the fact, if not the place of this movement, the Secretary of War had been apprised in August by a letter from Cincinnati,

of which, however, he did not seem to have taken much notice. After taking possession of it, he wrote to the Boston committee for three hundred dollars, which was furnished. About the same time Francis Jackson Merriam, grandson of Francis Jackson, who afterward died in the Union army, came to his house, joined the expedition, and gave him six hundred dollars. Just before the assault, Frederick Douglass, who had been made acquainted with his general plan, visited him at Chambersburg, and there first learned of Brown's purpose to attack Harper's Ferry. Vainly urging him to join the enterprise, Brown said: "Go with me, Douglass. I don't want you to fight. I will protect you with my life, but I want you to be there when the bees swarm and help put them into the hive." This remark indicated the underlying idea of the movement. He thought that the slaves were ready to rise on their masters, ready to fight for liberty, and only needed a leader and a plan. Remembering the Seminole War, its protracted history, the large amount of men and money expended for the results attained, it seemed to him that with the slaves flocking to his standard, he could, in the fastnesses of the mountains and in the recesses of swamps, hold at bay any forces the government could bring against them. But he miscalculated. He failed to forecast aright the action of either the slaves or of their masters. In the lights afforded by the history of his own attempt and of the war of the Rebellion, there never was the remotest possibility of success. Tried by the rules of ordinary warfare, it was presumption and "midsummer madness." The heart that prompted the movement was right, but the head that conceived and planned it was sadly at default.

The 24th of October had been selected as the day of the assault. Fearing, however, that they had been betrayed, the 16th was substituted therefor. On the evening of that day he assembled his little force, consisting of fourteen white and five colored men, armed and equipped for war. A little after ten o'clock they entered the town, took possession of the United States armory buildings, stopped the trains of the railroad, cut the telegraph wires, captured a number of the

citizens, liberated several slaves, and held the town about thirty hours. After some fighting, in which several persons were killed and wounded, Brown retired to the engine-house, where he was finally overcome and captured by a detachment of United States marines, under the command of Colonel Robert E. Lee, afterward the Confederate commander-in-chief. Brown was wounded in several places, eight of his band, including two of his sons, were killed or mortally wounded, six were captured, and five made their escape.

Brown, while confined in the guard-house, was visited by Governor Wise, to whom he stated with great frankness and fulness the motives and purposes of his action. He deeply impressed the bold, outspoken, impulsive governor, who, in an address to the citizens of Richmond, thus bore testimony of him: "They are mistaken who take him for a madman. He is a man of clear head, courageous fortitude, and simple ingenuousness. He is cool, collected, and indomitable; and it is but just to him to say that he was humane to his prisoners; and he inspired all with great trust in his integrity and as a man of truth. He is a fanatic, vain and garrulous, but firm, truthful, and intelligent." To Senator Mason and Mr. Vallandigham, who unquestionably catechized him in the hope that others, perhaps a party, would be implicated by his replies, he avowed his pity for the poor in bondage, and said that he "came to free the slaves, and only that." He expected no reward but the satisfaction of endeavoring to do to others in distress as he himself would be done by. He reminded Virginians of both their duty and their danger. "You people at the South," he said, "had better prepare yourselves for a settlement of this question, which will come up sooner than you are prepared for it." Mr. Vallandigham spoke of his "stoic faith, patience, and firmness," and of him as at "the farthest possible remove from the ordinary ruffian, fanatic, or madman."

He was indicted "for murder and other crimes," brought to trial, convicted, and on the 2d of November was sentenced to be hung. He was defended by George H. Hoyt, a young lawyer of Boston who volunteered his services, Samuel Chilton



of Washington, and Henry Griswold of Ohio. Six of his followers, Coppoc, Stevens, Cook, Hazlett, Copeland, and Green, little less noble and heroic than himself, were tried, convicted, and executed. They all, except Cook, deported themselves with great firmness and propriety, leaving, like their leader, expressions of resignation, trust, and their still deathless devotion to liberty. Copeland and Green, the colored men, and Stevens, Brown's trusted lieutenant, who had been desperately wounded, were skilfully and ably defended by George Sennot, a Democratic lawyer of Boston, who went to Charlestown at the request of Dr. Howe, accompanied by Judge Russell. After the conviction of Stevens, Mr. Sennot visited Richmond and besought the legislature to spare his life. But his efforts were as unavailing as had been those of Governor Wise before the same body to secure remission of the sentence of Coppoc.

And yet the old hero himself was the principal actor in that grim tragedy, the central figure of that startling Virginia tableau with its dark background of Southern slavery, the pitchy blackness of the one making more resplendent the beauty and brightness of the other. His port and bearing, his interviews with Wise, Mason, Vallandigham, and others, his letters, and his remarks before sentence was passed, produced a profound impression. His simple and unstudied words, revealing such sublime devotion to principle, such profound sympathy for the poor, lowly, and oppressed, such serene trust in God, were seized upon and hoarded almost as gems from another and better land, or as the echoes from the heroic age of confessors and martyrs of a like precious faith. Acts of sympathy and proffers of aid were many.

During the darkest hours of the irrepressible conflict there was ever the consoling fact that the literature of the nation was mainly on the side of freedom, and that the brightest names in its galaxy of authors shone benignantly on the sacred cause. Among them one of the earliest and most cherished was that of Lydia Maria Child. From the first, her graceful and earnest pen was consecrated to the cause of immediate emancipation, and in her the slave and his defenders ever

found a warm-hearted and self-sacrificing friend. While Brown lay in jail awaiting his trial, she wrote to Governor Wise. She expressed her "regret" and "surprise" at "the step that the old veteran has taken," but added that he needed a mother or sister to dress his wounds and speak soothingly to him, and asked to be allowed "to perform that mission of humanity." The governor replied in courteous and courtly style, though perhaps a trifle curt. He avowed his want of sympathy with her "sympathy" for "one who whetted knives of butchery for our mothers, sisters, daughters, and babes," and his surprise at her "surprise," saying that "his attempt was a natural consequence of your sympathy." He however gave his permission, on the ground that he was "bound to protect" her, and accord to her the privileges and immunities of a citizen of Massachusetts coming into Virginia. She also wrote to Brown, disclaiming sympathy with his "method" of advancing the "cause of freedom," but avowing the greatest admiration for him personally and a strong desire to minister to his comfort. "In brief," she wrote, "I love you and bless you." In his reply he expressed his gratitude for her sympathy and kind offers, but intimated that he did not need anything more than was afforded by Captain Avis, his jailer, "a most humane man," who, "with his family, has rendered every possible attention I have desired, or that could be of the least advantage." This correspondence evoked no little interest and feeling. Among the evidences of it was a letter written to Mrs. Child by the wife of Senator Mason, in which were exhibited the usual slaveholding assumption, arrogance, and bitterness. Mrs. Child replied to her, as she had already to Governor Wise, in fitting terms and just as such a woman, on such a theme and under such circumstances, would necessarily respond.

Many friends of the slave as well as personal friends visited the prisoner to comfort and support. Among them was Judge Russell, afterwards collector of the port of Boston, at whose house he had been concealed, while fearing arrest on a requisition from the governor of Missouri. In his conversation with him he expressed in the strongest language his confi-

dence in the Divine disposal of events and of himself ; saying that he fully recognized God's sovereignty in the affair, even in the " mistakes " and " errors " which had been committed.

On the day before the execution, Mrs. Brown, accompanied by Hector Tyndale and J. Miller McKim, visited her husband, having an order from the governor — who, considering the circumstances, deported himself very courteously and chivalrously towards John Brown and his friends — for the delivery of his body, and a letter also, expressing his " sympathy with her affliction," and containing the assurance that his " authority and personal influence " should be exerted to enable her to secure " the bones of her sons and her husband " for " decent and tender interment among their kindred." Their meeting was deeply affecting. " For some minutes," it is said, " they stood speechless, with a silence more eloquent than any utterance could have been." Speaking tenderly of their children, both living and dead, he commissioned her to tell the survivors that their " father died without a single regret for the course he had pursued," and that he was satisfied that he was " right in the eyes of God and all just men." The only thing that seemed to trouble him was his anxiety for those he was leaving destitute. For those soon to be widowed and orphaned he did plead, though his requests were coupled with the characteristic remark : " I well understand that they are not the only poor in the land." For himself he had no tears ; but for the loved ones he was leaving behind his heart yearned with a solicitude he could not and probably did not care to repress.

The 2d of December, appointed for the execution, having arrived, the final act in this drama of blood was performed, amid no little of " the pomp and circumstance of war," and John Brown's name was added to the list of martyrs, and the cause of impartial freedom he had served so nobly received the baptism of his blood. He died courageously and well, and his death was a fitting close of his life, lending glory to the gallows, and receiving naught of disgrace therefrom.

Immediately after the execution his body was delivered to General Tyndale and J. Miller McKim, who, with Mrs. Brown, started immediately for the North. At New York Wendell



Phillips joined the little cortege, and they proceeded rapidly towards North Elba, where the widowed mother, returning from her sad pilgrimage, met her children with "a burst of love and anguish." That was, however, soon succeeded by "a holy and pensive joy," and they seemed reconciled even to this stern trial of their faith and love. They buried him on the 8th, with services as simple and unostentatious as was the character and life of the martyr himself, as was, too, the community in which he had lived and for which he had labored. Wendell Phillips could not but speak eloquently, and with such pathetic and pointed utterances as the event would naturally suggest to one so thoroughly in sympathy with the objects, if not the methods, of the dead. But, like all the opponents of slavery at that time, he evidently had little conception of the nature of the conflict itself, or of the forces that would be found needful to root up and destroy American slavery. Though it was but one brief year before South Carolina passed her ordinance of secession, raised the banners of revolt, and led the movement which ushered in the civil war, he said: "I do not believe slavery will go down in blood."

The execution became at once the signal of discussions at home and abroad. Abroad, the utterances were generally of commendation and eulogy. John Brown, if not the canonized saint, was the proclaimed hero of the hour, while America was held guilty of his murder. "Slaughtered," wrote Victor Hugo, "by the American republic, the crime assumes the proportions of the nation which commits it." This country, from press, pulpit, and platform, resounded with conflicting discussions. Large meetings were held. Few approved. The great mass condemned,—some, to show their continued fealty to the South, affirming, as was done in some Northern assemblages, that slavery was "wise, just, and beneficent," and stigmatizing antislavery men as "drunken mutineers"; and others, to express their confidence in the man, and in the integrity of his purpose, admiration for his heroism, sympathy for the object he had at heart, but repudiation of his methods, saying with Whittier:—

"Perish with him the folly  
 That seeks through evil good ;  
 Long live the generous purpose  
 Unstained with human blood!  
 Not the raid of midnight terror,  
 But the thought that underlies ;  
 Not the outlaw's pride of daring,  
 But the Christian sacrifice."

But whatever diversities in judgment, or errors of estimate there may have been, Mr. Phillips did not err when, standing by the open grave of John Brown, he said that his words were stronger than his arms, and that, while the echoes of his rifles had died away among the hills of Virginia, his words were guarded by a million hearts. When, a few months later, the uprising nation sent forth its loyal sons to battle, his brave, humane, and generous utterances were kept in fresh remembrance. The "John Brown Song," extemporized in Boston harbor, and sung by the "Massachusetts Twelfth," marching up State Street, down Broadway, and in its encampment in Pleasant Valley on the banks of the Potomac, struck responsive chords that vibrated through the land. Regiment after regiment, army after army, caught up the air, and in the camp, on the march, and on the battle-field, brave men associated the body "mouldering in the ground" and the soul still "marching on" of the heroic old man with the sacred idea for which he died and for which they were fighting.

## CHAPTER XLVI.

### HUNTING FOR TREASON.

Mason's resolution. — Trumbull's amendment. — Debate thereon. — Trumbull, Mason, Hale, Hunter, Davis, Wilson, and Clark. — Charges against the Republican party by Mason and Iverson. — Colloquy between Wilson and Iverson. — Strong speech of Mr. Wade. — Report, in part, of committee. — Hyatt at the bar of the Senate. — Imprisonment. — Release. — Case of Sanborn. — His memorial. — Final report. — Douglas's resolution. — His attack on the Republican party. — Fessenden's reply. — Damaging admissions. — Hunter's oration. — Failure of Douglas's resolution.

THREE days after the execution of John Brown the XXXVIth Congress assembled. A resolution was immediately offered by Mr. Mason for the appointment of a committee of investigation concerning the affair at Harper's Ferry. Upon taking up the resolution Mr. Trumbull offered an amendment instructing the same committee to inquire into "the facts attending the invasion, seizure, and robbery, in December, 1855, of the arsenal of the United States at Liberty, Missouri, by a mob of armed men." Mr. Mason expressed the conviction that the only purpose of the amendment was to embarrass his resolution. Mr. Hale replied in his best vein. Though his words bore the semblance of raillery and wit, they were trenchant and severely truthful. Alluding to the charges which had been made and reiterated against Republicans, he said he had no confession to make, no words to unsay. He favored the inquiry, and expressed the wish that it might be most thorough and searching. Mr. Hunter expressed surprise that any one should be disposed to embarrass the resolution by an amendment "not germane," or by partisan appeals. Jefferson Davis expressed the opinion that there was no necessary resemblance between the scenes enacted at Harper's Ferry and those in Missouri.

Mr. Wilson avowed his purpose to vote for both the resolu-



tion and the amendment, and for the resolution with or without the amendment. He spoke of John Brown's acts, words, and bearing as having excited the deepest sympathy, and as having extorted the admiration of many, though they regretted the course he had pursued at Harper's Ferry. "Men believed," he said, "that he was sincere, that he had violated the laws, but that he had followed out his deepest and sincerest convictions, and was willing to take the consequences of his acts." Mr. Clark said that there was "an eminent fitness and appropriateness in sending these two resolutions, which are kindred though different, to the same committee." He thought that such a reference would "quiet much of the ill-feeling and jealousy which had grown up here."

Mr. Mason, with an evident purpose to fasten responsibility on the Republican party, said: "The vagabond Brown, a ruffian, a thief, and a robber, — nothing more, — had no resources of his own, but he brought resources there for the purposes of this insurrection, proportioned to it, and costing a large sum of money. We want to know where this money was supplied. We want to know the incentives that led him to that expedition. We want to get at the thousand rills which go to make up public sentiment, and which resulted in adequate treasure to send a ruffian with an armed band on such an errand." With still greater violence of language, Mr. Iverson made the same imputation, declaring that the whole design was "political." "It cannot be disguised," he said, "that the Northern heart sympathizes with Brown and his fate, because he died in the cause of what they call liberty. . . . The truth is that it is the intention of the Republican party to break down the institution of slavery by fair means or foul means, and if they cannot accomplish it in one way, they intend to accomplish it in another. If they cannot accomplish it by appealing to the slaveholders themselves, they mean to accomplish it by appealing to the slaves."

Referring to these assaults on the Republicans, and to the intense excitement then pervading the country because of the attack of John Brown and his few followers at Harper's

Ferry, and also to the systematic and long-continued assaults on Northern men at the South, Mr. Wilson called attention to the outrage, just then perpetrated on Mr. Fisk of Massachusetts, who was doing business in Savannah, and who had been tarred and feathered for the alleged offences "that he generally expressed abolition sentiments, and that on last Sabbath evening he read to negroes in his store." To this statement Mr. Iverson replied: "For such conduct as that, teaching abolition sentiments among slaves, he deserved, not only to be tarred and feathered, but deserved the fate which John Brown had." In allusion to the expulsion of Professor Hedrick from a North Carolina college, mentioned by Mr. Wilson, for expressing sentiments favorable to the election of Fremont, Mr. Brown of Mississippi frankly said: "I have no hesitation in saying that I would not tolerate any man who would go to my State and avow his preference for the election of Mr. Seward upon the programme laid down in his Rochester speech." And the twofold fact is to be noted that the Slave Power not only demanded this complete suppression of all freedom of speech and action, but that it was thus bold and outspoken in its insolent demand.

Disowning all sympathy with the attack on Harper's Ferry, Mr. Wade expressed profound admiration for the man who planned it, and the most unmitigated disgust for those who had so much sympathy for Virginia, one of the oldest and largest States, because she had been assaulted by such an insignificant force, but who had shown none for Kansas four years before, with "its few and feeble colonies scattered in the wilderness," outraged by border-ruffians, backed by the countenance and aid of "a powerful party," in full possession of the government. "You may treat old John Brown," he said, "as a common malefactor, but he will not go down to posterity in that light at all." On Mr. Trumbull's amendment the vote stood twenty-two yeas and thirty-two nays. Mason's resolution was unanimously adopted, the committee was ordered, and Mason, Davis, Collamer, Fitch, and Doolittle were appointed.

On the 15th of February Mr. Mason asked leave to report,

in part. He stated that the committee had summoned three witnesses, — Frank B. Sanborn, James Redpath, and John Brown, Jr., — and that they had failed to appear. He accordingly asked that they should be compelled to attend, and the authority was granted. A few days afterward he reported similar facts concerning Thaddeus Hyatt, asked authority to compel his attendance, and it was granted. The debate on this proposition was quite spirited, many making the point that the Senate had no authority thus to interfere with the personal rights of the citizens of States.

The results of the attempts to coerce the attendance of these witnesses, which had been unsuccessful except in the case of Hyatt, were succinctly stated in the final report of the committee, made on the 15th of June. From this report it appeared that Hyatt only was arrested; that John Brown, Jr., at first evaded the process of the Senate, and afterward, with a number of other persons, armed himself to prevent his arrest. Sanborn was arrested in the night, and ironed, but he was released from custody by the judges of the supreme court of Massachusetts on *habeas corpus*. Redpath, by leaving his State, or otherwise concealing himself, successfully evaded the process of the Senate. Of Hyatt the committee said “that on his appearance before the Senate, still refusing obedience to the summons of the committee, he was, by order of the Senate, committed to the jail of the District of Columbia.”

On Mr. Hyatt's presenting himself at the bar of the Senate he put in, for answer to its summons, a long and elaborate paper, which occupied the clerk nearly three hours in the reading, and which embodied a labored argument of Samuel E. Sewall and John A. Andrew, afterward governor of Massachusetts, giving reasons why he should not be compelled to appear and testify in the case at issue. It occasioned an earnest debate, but the result was his imprisonment. He remained in the jail from the 12th of March till the 13th of June. The statement in the report of the committee that Mr. Sanborn was released from custody on *habeas corpus* Mr. Mason denied, declaring that he had been “rescued by a mob.” The facts were that the officials found themselves



unable to take him from his home in Concord, being prevented by his own resistance, that of his sister, and that of his townsmen, who, upon the ringing of fire-bells, assembled in large numbers. A writ of *habeas corpus* was hastily issued by Judge Hoar, and at once served by Sheriff John S. Keyes, assisted by the citizens present, who were greatly indignant at this arrest of one of their neighbors. Mr. Sanborn sent a memorial to Congress, which was presented by Mr. Sumner on the 10th of April, reciting the facts and asking "redress."

This movement in Congress, the threats and attempts freely made elsewhere to implicate and convict, if possible, any who had aided or had been cognizant of the attempt on Harper's Ferry, with the general excitement then prevailing, naturally made those who had known of Brown's movements, or who had contributed in any way towards them, solicitous and anxious for their safety. Knowing that, in the then excited state of the public mind, there would be little chance for a fair and unprejudiced hearing, they deemed it best to place themselves beyond the reach of federal jurisdiction. Immediately after the assault, Douglass and Morton went to Canada, and thence sailed to England; and Sanborn spent some time in the Queen's dominions. Howe and Stearns, after the investigation was ordered, went to Canada for a few days, but Higginson refused to leave the country. Theodore Parker was in Italy, sick, and soon to die. On the 2d of December, the day of Brown's execution, he wrote to a friend in America, expressing his apprehensions of "fresh scenes of violence," though still hopeful of the final issue. "But such is my confidence," he wrote, "in democratic institutions, that I do not fear the final result. There is a glorious future for America, — but the other side of the Red Sea." A still more systematic effort was made to implicate Gerrit Smith. He had for years been a warm friend of Brown, believed in his integrity and honesty of purpose, had sympathized warmly with him in his endeavor to aid escaping slaves, and had contributed small sums to aid him in this behalf. He had also received aid from him in the management of his colored colony in northern New York. He knew and

heartily approved of his proposed attempt to aid slaves to escape to the mountains of Maryland and Virginia, but had no knowledge of his attempt on Harper's Ferry, and afterward, in a letter to a friend, wrote that "he was astonished to hear of it, so unlike was it to that of going to the mountains." But the excitement and a knowledge of these unfriendly attempts so seriously affected his health and spirits that he was sent to the Utica hospital for several weeks.

In their report, the committee said that, while there was no doubt that it was "Brown's plan to commence a servile insurrection on the borders of Virginia, which he expected to extend, and which he believed his means and resources were sufficient to extend, through that State and throughout the entire South," yet, being a man "of remarkable reticence in his habits," he does not appear to have intrusted even his immediate followers with his plans. "Nor have the committee been enabled," they add, "clearly to trace knowledge of them to any." They say, too, that, "after much consideration, they are not prepared to suggest any legislation."

In the same direction, as it originated from the same inspiration, was the debate on a resolution offered by Mr. Douglas in January "for the suppression and punishment of conspiracies or combinations in one State against another." The speech of Mr. Douglas in support of his resolution was particularly marked, though exhibiting far more of the partisan than of the patriot, more of the advocate, intent on making out his case, than of the statesman enunciating the great principles of political truth. He quoted Mr. Lincoln's expression of belief that "this government cannot endure permanently half slave and half free," and Mr. Seward's utterance concerning the "irrepressible conflict between opposing and enduring forces," as a "fair exposition" of Republican doctrines and policy; and he gave utterance to the insinuation that the causes which produced the Harper's Ferry invasion were then "in active operation."

Mr. Fessenden replied in a speech of great vigor and force. While he yielded too much to the spirit of conservatism, he successfully met and disposed of the unfriendly allegations

and innuendoes of Mr. Douglas, and vindicated the Republican party from the aspersions the latter had so freely cast upon it. But he made the damaging admission that previous to 1850 the country was quiet upon the slavery question; damaging, because during the decade preceding 1854 had been enacted those fearful aggressions of the Slave Power which had excited so much alarm and such indignant protest. The annexation of Texas, the compromise measures, the Fugitive Slave Act, had all been crowded into those ill-fated and ill-freighted years. And yet, said Mr. Fessenden, the country was "quiet," and the great parties had "determined there should be no more trouble on the subject." Notwithstanding all the antislavery agitations and teachings of a quarter of a century, and all the outrages committed at the behests of slavery, and all its inroads upon the domain of freedom, this was the statement volunteered in the very presence of those who had led on those aggressive movements.

Mr. Hunter spoke, or rather delivered an elaborate oration, on the slavery question. He began, by a laborious examination of the figures afforded by the commerce between the Northern and Southern States, to show that "these vast interests are not hostile, but of mutual assistance to each other," and that the disturbance threatened by the antislavery agitation would be reciprocally disastrous; these common interests "constituting a mighty arch," he said, "while the very keystone of this arch consists in the black marble block of African slavery. Knock that out, and the mighty fabric, with all that it upholds, topples and tumbles to the ground."

Concerning the assumption that the South could be "whipped into the Union," he said: "It might be provoking, if it were not so absurd." "Sir," he confidently affirmed, "this coercion of which you speak is impossible." He contended that slavery was "the normal condition of society," and in harmony with the Divine requirement, "Do as you would be done by." Those acquainted with Southern society must have doubted the sanity, as well as the candor, of one who could make declarations like these. Other Senators participated in the debate; but nothing came of the resolution, as no vote was reached.



## CHAPTER XLVII.

### CUBA AND CENTRAL AMERICA.

Commanding position of Cuba. — Slaveholding ascendancy. — South American republics. — Slaveholding apprehensions. — Congress at Panama. — Southern hostility and purpose. — Randolph, Berrien, and Floyd. — Championship of slavery. — Van Buren's despatch. — Change of feeling. — Efforts to purchase. — Filibustering expeditions. — Taylor's proclamation. — Propositions of England and France. — Refusal. — Ostend manifesto. — General surprise. — Buchanan's message. — Slidell's bill. — Action thereon. — Brown's speech. — Position of the administration. — Designs on Central America. — Walker's expedition. — Purpose. — Failure. — Democratic sympathy.

THE proximity of Cuba to the mouth of the Mississippi River and its commanding position in the Gulf of Mexico made that island a matter of interest and importance to the people of the United States, whether it was held by Spain or was independent, slave or free. Here, however, as everywhere else, the interests of slavery were made paramount, and the Slave Power controlled the action of the government, — a fact detrimental alike to the well-being and to the honor of the Republic.

When the Spanish colonies in America became independent, they abolished slavery. Apprehensive that the republics of Mexico and Columbia would be anxious to wrest Cuba and Porto Rico from Spain, secure their independence, and introduce into those islands the idea, if they did not establish the fact, of freedom, the slave-masters at once sought to guard against what they deemed so calamitous an event. Soon after the inauguration of John Quincy Adams, Mr. Clay, Secretary of State, wrote to Alexander H. Everett, minister to Spain, instructing him to press upon that government the importance of acknowledging the independence of those colonies. Among the reasons assigned was the fact that the "fortunes" of those islands "have such a connection with the people of the United States," that, in case of a protracted war, of which they should

“become the object and theatre,” this government “might not be at liberty to decline” intervention. Though the despatch was couched in diplomatic phrase, and the real object of this caution and menace was not explicitly stated, it was understood then, and more distinctly avowed afterwards, to have been slavery and its defence; and that to guard against abolition in those islands was the main, if not the exclusive, motive of this extreme solicitude.

When the South-Americans proposed the congress at Panama, President Adams recommended that this government should be represented there. The debate on this proposition disclosed the real *animus* of the Southern members, who did not hesitate to avow that their apprehensions, purposes, and actions were all in the interests of slavery. John Randolph, after asserting that a war would be for the independence of those islands, with the purpose and the “principle, of universal emancipation,” asked: “Then, sir, what is the situation of the Southern States?” Berrien of Georgia asked and answered the question: “Can you suffer these islands to pass into the hands of buccaneers drunk with their new-born liberty?” “The vital interests of the South demand its prevention,” was his response. Floyd of Virginia, for the same avowed reason, declared that he “would rather take up arms to prevent than accelerate such an occurrence.” Thus clearly and unequivocally did this Republic step forth the champion of slavery, and boldly insist that those islands should remain under the hateful despotism of Spain rather than gain their independence by means that should inure to the detriment of its cherished system. Indeed, it would fight to fasten more securely the double bondage on Cuba and the slave. With less circumlocution and more directness, Mr. Van Buren, during the administration of General Jackson, urged upon the American minister at Madrid to press upon the Spanish court the same policy, for the reason, as he expressed it, that “the sudden emancipation of a numerous slave population” “could not but be very sensibly felt upon the adjacent shores of the United States.” It seems hardly credible that a Northern man, even “with Southern principles,” could have thus boldly

and coldly given such reasons. But such was the purpose of the hour, and such the animating spirit of the national administrations.

But after the annexation of Texas, there was a change of feeling and purpose, and Cuba, from being an object of dread, became an object of vehement desire. The propagandists, strengthened and emboldened by that signal triumph, now turned their eyes towards this beautiful "isle of the sea," as the theatre of new exploits ; and they determined to secure the "gem of the Antilles " for the coronet of their great and growing power. During Mr. Polk's administration an attempt was made to purchase it, and the sum of one hundred million dollars was offered therefor. But the offer was promptly declined. What, however, could not be bought, it was determined to steal, and filibustering movements and expeditions became the order of the day. For no sooner was President Taylor inaugurated than he found movements on foot in that direction ; and, in August, 1849, he issued a proclamation, affirming his belief that an "armed expedition " was being fitted out "against Cuba or some of the provinces of Mexico," and calling upon all good citizens "to discountenance and prevent any such enterprise." In 1851 an expedition, consisting of some five hundred men, sailed from New Orleans under Lopez, a Cuban adventurer. But though it effected a landing, it was easily defeated, and its leader and a few of his followers were executed. Soon afterward, a secret association, styling itself the "Order of the Lone Star," was formed in several of the Southern cities, having a similar object in view ; but it attracted little notice and accomplished nothing.

So long as the separation of Cuba from Spain involved or threatened harm to slavery, this government was profuse in its expressions of satisfaction at its continued connection with that power. But when, in 1852, England and France made a proposition designed to assure its continuance, and, disclaiming all desire or intention of securing Cuba for themselves, proposed that the three governments should unite in guaranteeing the island to Spain, this government declined the proffered convention in a very long and elaborate despatch from Mr.



Everett, Secretary of State. Among the reasons assigned was one, in which slavery, though not specifically mentioned, was undoubtedly meant; and the apprehended danger thereto from the proposed arrangement was urged as one consideration why it should not be consummated.

In August, 1854, President Pierce instructed Mr. Marcy, his Secretary of State, to direct Buchanan, Mason, and Soulé, ministers respectively at the courts of London, Paris, and Madrid, to convene in some European city and confer with each other in regard to the matter of gaining Cuba to the United States. They met accordingly, in October, at Ostend. The results of their deliberations were published in a manifesto, in which the reasons are set forth for the acquisition; and the declaration was made that the Union could never enjoy repose and security "as long as Cuba is not embraced within its boundaries." But the great source of anxiety, the controlling motive, was the apprehension that, unless so annexed, she would "be Africanized and become a second San Domingo," thus "seriously to endanger" the Union.

This paper attracted great attention and caused much astonishment. It was at first received with incredulity, as if there had been some mistake or imposition practised. Both continents were astounded at the shameless audacity which would thus commit this government to the conservation of slavery as a national necessity, and boldly avow the atrocious doctrines which were so fitly characterized by the Republican national convention of 1856, as "the highwayman's plea, that 'might makes right.' " But there was no mistake, there was no imposition practised, except as involved in the document itself. It was the deliberate utterance of the conference, and it received the indorsement of Mr. Pierce and his administration. The Democratic national conventions of 1856 and of 1860 were quite as explicit, as were the authors of the Ostend manifesto, "in favor of the acquisition of Cuba." Democratic politicians and presses, too, everywhere vindicated its sentiments, and advocated a similar policy. Nor were they much less explicit in the avowal of their motives than in the statement of their specific purpose. That purpose and that motive were to conserve and strengthen human slavery.

The administration of Mr. Buchanan, more completely dominated by the Slave Power than any of its predecessors, made special efforts to secure that long-coveted prize. In his annual message in December, 1858, the President complained of the unsatisfactory condition of the relations of the country with Spain. Referring to the participation of Cuba in the African slave-trade, he affirmed his belief that the last relic of that traffic would disappear if Cuba were annexed. He reminded Congress that Cuba commanded the mouth of the Mississippi; that its "value was comparatively unimportant" to Spain, but that its possession was of vast importance to the United States.

In the Senate, on the 10th of January, Mr. Slidell introduced a bill placing thirty million dollars in the hands of the President to facilitate the acquisition. He also presented a report from the Committee on Foreign Affairs in favor of its passage. Mr. Seward presented a minority report, calling upon the President for information, to be transmitted at the next session, to enable Congress to judge whether extraordinary measures were necessary to maintain the country's rights and interests in regard to Spain. An able discussion ensued, but no action was taken. On the 25th of February Mr. Slidell announced the purpose of the majority to force the bill to a vote; but he was met with so resolute a resistance that the sitting was protracted until one o'clock at night. Despairing of his ability to force the bill through in the brief remnant of the session, he abandoned his purpose. Early the next session he introduced another bill for the same purpose. A favorable report was secured from the Committee on Foreign Affairs. But the matter was not forced to an issue, and Congress adjourned without action.

But the Democratic party did not relinquish its cherished object. "Cuba must and shall be ours," said Senator Brown in a speech in New York, soon after the adjournment of Congress. "The decree has gone forth, and nowhere on earth is there power to remove it. If Spain is disposed to sell the island, I, for one, stand prepared to pay for it. If Spain be indisposed to sell, I would seize Cuba as indemnity for the past, and then

negotiate for future security. It may be asked, What do we want of Cuba? We want it for territorial expansion. We want it to extend our commerce. Then I have a little private reason of my own. I want Cuba for the extension of slavery. I have freely spoken the sentiments of my own heart, and of a vast majority of the Democracy throughout the Union. The Democratic party are going into the next Presidential canvass upon this and other questions, and we intend to meet Seward face to face upon it."

There is, too, evidence strongly circumstantial, if not absolutely conclusive, that the administration was more deeply in earnest for this object than was avowed. William Walker wrote to the Southern press that, when in the autumn of 1858 he was preparing one of his expeditions for Nicaragua, he was assured by General Henningsen, on the authority of the Secretary of War, that, though the President would probably prevent his going to Central America, he would look favorably upon an attempt on Mexico; and that if Spain and Mexico could be involved in war, and Cuba could be seized, they might look with confidence to this government for pecuniary aid. On his trial, Walker summoned General Henningsen as a witness and sought to elicit these facts in the evidence in his case. But the district attorney objected and the presiding judge would not allow the questions to be put. This sheltering action of the court was deemed by many equivalent to an acknowledgment that the charge was true.

There were, too, other possessions to be desired than Cuba, and the propagandists had turned their eyes to Mexico and Central America, as presenting new fields for conquest. But, as the nation was at peace with these governments, and there was no room for diplomacy, resort must be had to filibustering. Accordingly, Walker, who had already signalized himself by unsuccessful marauding expeditions in southern California, sailed for Nicaragua with a company of freebooters on the 4th of May, 1855. Arriving in that land of chronic revolutions and anarchy, he raised the standard of revolt and rapine. Numbers responded, and after a brief career of varied and unequal successes he found himself in the possession of the city



of Granada, with the assumed title of president. Though there was little in the office, with its imposing title, save the name, and his authority was of the most unsubstantial and ephemeral character, he revealed his own purposes, and those of the men he led and represented, by a decree re-establishing slavery, confiscating estates, offering them for sale, and thus inviting emigration from the Southern States. But his checkered career was short, and, though he headed no less than three distinct expeditions from this country, he was finally arrested, convicted, and shot; but not until some three thousand persons had perished in these various and marauding exploits. Though despicable in character, criminal in purpose, and unsuccessful in results, he lived long enough to reveal, in unmistakable ways, the spirit, sympathies, and designs of Southern leaders and of the Democratic party. The latter, even as late as the convention that nominated Buchanan, while Walker was thus engaged, and with unquestionable reference to him and his work, expressed its sympathy with "the people of Central America," in their effort to "regenerate that portion of the continent." Soulé, too, one of the signers of the Ostend manifesto, visited him just at the time of issuing his decree for the re-establishment of slavery. Direct affirmation could hardly make more conclusive the evidence that slavery afforded the main, if not the sole motive, and furnished largely the means that sustained these lawless and aggressive movements.

## CHAPTER XLVIII.

### THE SLAVE-TRADE.

Increased demand for slave labor. — Slave-traffic stimulated. — Revolting features. — Demands for opening the foreign slave-trade. — Commercial conventions. — De Bow's Review. — Utterances of Southern men. — Speech of Stephens. — British cruisers. — American complaints. — Call for information. — President's response. — Action of the Republicans. — Extent of participation in the traffic. — New York the great mart. — Statistics. — Mr. Wilson's bill and speech. — Testimonies. — Slaves at Key West. — Benjamin's bill. — Heartless utterances of Mason, Davis, and Toombs. — Wilson's amendment opposed by Mason and Green. — His reply. — No action taken. — Policy of the Republican party.

WHILE the Slave Power had been putting forth its gigantic and too successful efforts for expansion, unlimited control, and perpetuity, the prices of slaves had largely appreciated, and the domestic slave-traffic had increased. Indeed, it was estimated that near the close of Mr. Buchanan's administration it had grown to the purchase and sale of thirty thousand slaves a year, at a market value of some thirty million dollars. This trade, with its sad aggregate of suffering and sorrow on the one part, of demoralization and guilt on the other, was carried on unblushingly. The barracoon and auction-block were objects familiar to the public gaze, and domiciled as among the recognized, if not cherished, fixtures of Southern society. Though there was a pretended disfavor shown the slave-trader, yet his business was a necessity of the system in which all were implicated, his rooms and jails were marts of an established trade in which all participated, and he was a factor of a commerce which they all defended. Nor was it easy to see how even the regular slave-trader could become more cruel, more demoralized, and more degraded than they who bought of and sold to him, breaking up thereby families, parting husbands and wives, parents and children, and selling often those, and accepting

higher prices therefor, whose increased attractions and market value arose from the fact that their own or kindred blood was coursing through their veins. This growing demand for slave labor in the more Southern States increased the domestic traffic, diminished the number of emancipations, intensified the desire for cheaper labor, and turned the minds of many to the reopening of the African slave-trade.

In 1857 Governor Adams of South Carolina advocated it, declaring the laws which made that traffic piracy "a fraud upon us." In the Southern commercial convention, held in Montgomery in 1858, there were two reports made, one by Spratt of South Carolina, proposing a revival of the slave-trade, and another by Yancey of Alabama, proposing a repeal of the laws making it piracy. Both reports were referred to an adjourned meeting, to be held at Vicksburg the next year. At that meeting votes were adopted for the reopening of the trade, and demanding the unconditional repeal of the law that made it piracy. De Bow's Review, a work of large influence, contained labored articles advocating the same policy, especially for the Gulf and Southwestern States. During that year, too, published letters from the South revealed this growing purpose to supply in this manner the increasing demand for slave labor. It was reported that cargoes of slaves had been landed on the Florida coast; that several vessels were engaged in the traffic; and "that, if the slave-trade is not reopened, the indications are that it soon will be." An ex-member of Congress, after a tour through the Gulf States, stated to Mr. Giddings that the people were determined, and that they would defy the federal government in any attempt to enforce the law against the traffic. Mr. Dowdell of Alabama spoke of the question as one belonging to the States whose industrial policy was to be affected by it; of the trade as "not necessarily immoral," which those laws defined to be piracy, and for which they made the penalty death,—which laws he deemed "highly offensive." Miles and Keitt of South Carolina, Seward and Crawford of Georgia, and Barksdale of Mississippi, concurred substantially in these views. During that summer De Bow and Yancey gave special attention to the subject, explaining



and defending the new policy, the latter making its indorsement a test of Southern fealty, and the former recommending it alike to those who "held few slaves or none," and to "large slave-owners."

Alexander H. Stephens, on the occasion of retiring from Congress, made a farewell speech to his constituents, reviewing his congressional career, the history of the government, the series of victories won by the Slave Power, and the needs of the South; the most urgent of which was, he contended, expansion. He said that, though they could "divide Texas into five slave States," and could also wrest additional territory from Mexico, "we have not the population, and might as well abandon the race with our brethren of the North in the colonization of the Territories. It is useless to wage war about abstract rights, or to quarrel and accuse each other of unsoundness, unless we get more Africans." John Forsyth, late minister to Mexico, speaking of the triumphs of the Slave Power, added: "But one stronghold remains to be carried, to complete its triumph, and that is the abrogation of the existing prohibition of the African slave-trade." Ex-Governor McRae of Mississippi expressed the belief that the people of his State were in favor of it, and that, "should the South unite in so just a demand," the North would not refuse. Jefferson Davis, while doubting its desirableness for Mississippi, expressed his entire want of sympathy with those "who prate of the inhumanity and sinfulness of the trade"; and he declared that "the interest of Mississippi, not of the African, dictates my conclusion."

Nor were this increasing desire and demand for the reopening of the slave-trade the only sources of new and threatening complications. A British squadron had been stationed on the coast of Cuba to intercept the slave-ships. These latter often displayed the American flag for the protection of their nefarious commerce; though, notwithstanding this precaution, these British cruisers sometimes visited suspected vessels, and, it was charged, exhibited unnecessary violence and insolence in their search. At least the slave-traders and their sympathizers were loud in their complaints. In consequence, President Buchanan

sent to the coast of Cuba several war-vessels to resist all attempted searches, demanding, too, an explanation from the British government. In May, 1858, the Senate unanimously adopted a resolution calling upon the President for information. He immediately replied, warlike resolutions were reported, and defiant speeches were made. But with that insincere and equivocal policy which always marked the conduct of the dominant party when the interests of slavery were involved, as soon as it was ascertained that the Republicans were willing to unite in the vindication of the honor of the flag, the war-fever abated. The latter, being anxious to put an end to the infamous traffic by more efficient legislation and the construction of vessels better fitted for the purpose, and desirous of not being placed in a false position, did join in denouncing the action of the British officers, according to a policy agreed upon before the debate commenced, and after a brief consultation between Seward, Hale, and Wilson. These tactics of the opposition soon cooled the ardor of the administration and its supporters, who cared nothing for the suppression of the slave-trade. "No forty Quakers alive," said the New York "Tribune," "could have done so much for peace in a year, as the Senators above mentioned did by their warlike talk during a single afternoon."

Nor did the traffic receive moral support alone from the great Republic. American enterprise, skill, and capital were engaged in its prosecution. The yacht *Wanderer* landed in December, 1858, near Brunswick, Georgia, several hundred slaves; and the fact was ostentatiously paraded by a portion of the Southern press before the country. The vessel was seized and confiscated in Savannah. But when it was to be sold at auction, the public sentiment was so little opposed to the iniquitous service in which it had been engaged, that its owner's appeal, which he brazenly urged, that those present would not "bid against" him, was successful, and he repurchased it at one quarter of its value. The slight disgrace attending it, and the comparative immunity with which the traffic could be engaged in, seemed to justify the charge of the London "Times," that New York had become "the

greatest slave-trading mart in the world." Indeed, the statements and figures put forth, during that and the succeeding year, are astounding and almost incredible. A list appeared in the New York "Evening Post" of "eighty-five vessels fitted out from New York, from February, 1859, to July, 1860," for the slave-trade. The New York "Leader," a Democratic organ, asserted that "an average of two vessels each week clear out of our harbor, bound for Africa and a human cargo." The "World" said "that from thirty to sixty thousand a year are taken from Africa to Cuba by vessels from the single port of New York." So deeply involved in this disgraceful and dreadful traffic were people in this nation during all, but especially the closing years, of Mr. Buchanan's administration; so undoubted, too, was the growing sympathy with it; and so unconcealed were the purposes of many to throw around it the sanction of law, or at least to remove the stigma which past legislation had placed upon it.

The friends of freedom, and all who were jealous for the honor of the flag, deemed additional legislation necessary. In March, 1860, Mr. Wilson submitted to the Senate a resolution instructing the Committee on Foreign Relations to report whether the treaty with Great Britain had been executed, and whether any further legislation was necessary to insure the enforcement of the laws; and in April he introduced a bill for the more effectual suppression of the slave-trade. It provided for the construction of five steam sloops of war, better adapted for the purpose than those then in African waters, in accordance with the stipulations of the Webster-Ashburton treaty; the release of naval officers from legal responsibilities in case of mistaken capture of any suspected craft; a fourfold increase of bounty; to make the fitting-out as well as the sailing of slavers piracy; and sundry other provisions to meet existing defects, and to render more effective and sure legislation upon the subject. While the bill was pending, Commodore Foote, afterward admiral, who distinguished himself so much during the war of the Rebellion, wrote to Mr. Wilson respecting it. "I have read," he wrote, "with deep interest your bill and speech in the Senate, for the suppression of the slave-trade,



and beg to say that we have never had any plan at all comparable to the one you have proposed and enforced with such ability. With the modifications I have taken the liberty to suggest, your bill would reach any conceivable case, and result in the extirpation of the slave-trade under our flag. The navy, I am sure, is ready to do its part in the great and humane work of suppressing the most atrocious and revolting trade which ever disgraced human nature."

Mr. Wilson, in support of his bill, adduced the testimonies of slaveholders, that at that time the abhorred traffic flourished "in defiant mockery of the laws, the sentiments, and the opinions of the civilized world"; of three "American ministers to the Brazilian government,—Proffit, Tod, and Schenck,—that the American flag is made to protect the piratical traffic of African slavers; and of naval officers in their despatches and letters, equally emphatic in their declarations." No less positive was the testimony of Henry A. Wise, also a minister to Brazil. He said: "Our flag alone gives the requisite protection against the right of search, visit, and seizure," so that "without the aid of our own citizens and our flag it could not be carried on with success at all."

Mr. Wilson also affirmed that "American juries refuse to indict or convict the audacious pirate; American jurists misconstrue, misinterpret, and pervert the statutes of the country; American journals justify these deeds of piracy and blood." Referring to South Carolina and its former denunciations of the slave-trade, he called upon the Senate to mark the change. "Grand juries," he said, "refuse to indict the pirates and felons of the slaver *Echo*; and Captain Corrie, the pirate leader of the *Wanderer*, instead of the felon's cell or felon's scaffold, now struts the streets, amid applauding thousands." But clear as was the case made out, and necessary as were the provisions proposed, the Senate looked coldly on the measure, and the bill never came to a vote.

The subject soon came up again in another form. Two days after the discussion of Mr. Wilson's bill, the President sent a communication to Congress, covering a letter from the marshal of the Southern District of Florida, setting forth the

facts that the captured cargoes of two slavers were at Key West, and that more might be "daily expected." Mr. Benjamin, chairman of the Judiciary Committee, recognizing the need of speedy action, reported a bill making it "lawful for the President of the United States to enter into contract with any person or persons, society or societies, or body corporate, to receive from the United States, for a term not exceeding five years, all negroes," captured on board slave-ships, and to provide them with suitable clothing, food, and shelter for the period of six months and at a cost not exceeding one hundred dollars each. In addition the bill contained a special provision and the appropriation of two hundred thousand dollars for those just landed at Key West.

The debate, though marked by more than the usual atrocities of slaveholding expression and avowal, was not without its redeeming features. The Republicans — and there were not wanting Democrats who joined therein — were not afraid to say that humanity and justice were as binding on States as individuals, and that the poorest and most lowly had rights which the highest were bound to respect. But these were the exceptions to the general character of the utterances that were made. With frigid indifference and utter obliviousness of the real facts of the case, Jefferson Davis, after belittling the injury done the African, affirming that he had only "exchanged a black master for a white master," said: "I think that it is carrying sympathy, humanity, or whatever it may be called, to an extreme. Charity begins at home. I have no right to tax our people in order that we may support and educate the barbarians of Africa." Having them on their hands, he said, the only question was to get rid of them in the easiest way, which, in his judgment, was to turn them "loose as near their home as possible. Having the wolf by the ears, the only question is how to let him go. To more than that I cannot consent." Mr. Mason said that when slaves are brought here "we cannot permit them to remain, therefore the obligation is upon us to send them back to Africa. All this talk about its being an act of inhumanity to take them back to the precise place from which we are told they were ruthlessly torn is humbug,"

though Mr. Clingman had just admitted that "if we just turn them adrift on the coast of Africa they will starve to death," and Mr. Crittenden immediately added, "to land them on the naked shores of Africa would be literally to kill them." Mr. Toombs expressed his purpose to vote against the bill, because he was opposed to the policy of interfering with the slave-trade. "I never liked the Ashburton treaty," he said; and added: "All this thing of putting our fingers in to prevent the slave-trade between Africa and Cuba or Africa and Brazil is a policy to be discouraged. It is none of our business."

Is it, strange that such men, with such sentiments, should, in less than one short year, have been found arrayed in active rebellion against the government, and in deadly hostility against the nation's life? The bill, however, passed both houses and became a law.

Having failed to secure action upon his bill for the more effective suppression of the slave-trade, Mr. Wilson, on the 16th of June, moved an amendment to the naval appropriation bill of three hundred thousand dollars for the purchase of three steamships to be employed for the purposes specified. The steamers, he argued, were needed at once. "The crime and guilt," he said, "of the trade is upon our country and countrymen, and we owe it to the world that no American ship, no American capital, no American seamen, shall engage in the slave-trade. . . . For the cause of our common humanity, for the good name and fame of our country, for the love of man and the blessing of God, I would do what we can to extinguish a traffic so inhuman and accursed."

Mr. Mason opposed the amendment. He said that he trusted that it would be the policy of the nation to abrogate the treaty with England, which, he said, had been "a failure." The professions of humanity, on the part of the British government, were, he affirmed, "hollow and insincere," and he was opposed to the longer continuance of an arrangement which did no good, and which had been prompted by such motives. Mr. Green denied the right of the government to put a police force on the coast of Africa, and he moved an amendment proposing the



abrogation of the British treaty, — a policy also avowed and defended by Jefferson Davis.

Mr. Wilson, alluding to Mr. Mason's charge, that England had been "false and hypocritical," said, "it might be so, but it was not for them to arraign her before the bar of nations." "The blood," he said, "of the perishing children of Africa is upon our hands. American capital and ships and men, on land and sea, are engaged in that horrid traffic. Our laws are violated; our flag is prostituted; our name is dishonored, and our fame tarnished; and we, the government and people of the United States, stand before the civilized world, and before God, self-accused, self-convicted, and self-condemned. Railing accusations against England will not silence the agonizing moans of dying men, floating upon the seas in stifling American slavers; nor will it silence the reproaches of mankind or our own accusing consciences. Let us of America strive rather to put ourselves right than to put England in the wrong. Let us enforce our own laws; drive from the seas every American slaver; vindicate the honor of our flag now tarnished, and our fame now stained; and then, when we have vindicated our own country, and not till then, let us summon England before the tribunal of mankind to plead against the accusations now made against her policy and her acts."

But all efforts were unavailing, and Mr. Wilson's amendment was defeated by a party vote. The failure of Congress, after this special effort to induce it to take action, to adopt any measures to prevent or even restrict the terrible traffic, produced the natural result of giving it new vigor, and it went on increasing, until the government passed under Republican control. Under its inspiration, with the new ideas engendered by the war and by the dethronement of the Slave Power, a new policy was adopted; the laws, instead of remaining a dead letter, were enforced; slave-traders were arrested and imprisoned; and one, at least, was executed.

## CHAPTER XLIX.

### ADMISSION OF OREGON AND KANSAS.

Oregon frames a constitution. — Excludes free people of color. — Bill for admission reported in the House. — Adverse report. — Debate. — Bingham. — Bill passed. — Adopted by the Senate. — Kansas. — Convention in Wyandotte. — Free constitution. — Presented in House. — Parrott. — Constitution adopted. — Seward's bill in the Senate. — Speeches of Seward, Douglas, and Davis. — House bill in the Senate. — Sumner's speech. — Barbarism of slavery. — Chesnut's reply. — Bill rejected. — Secession of Southern Senators. — Kansas becomes a State.

THE fact that the barbarism of slavery was not confined to the slave States had many illustrations. Among them, that afforded by Oregon was a signal example. In 1857 she formed a constitution, and applied for admission into the Union. Though the constitution was in form free, it was very thoroughly imbued with the spirit of slavery; and though four fifths of the votes cast were for the rejection of slavery, there were seven eighths for an article excluding entirely free people of color. As their leaders were mainly proslavery, it is probable that the reason why they excluded slavery from the constitution was their fear of defeat in their application for admission. Their organs contended that, if they must have colored people among them at all, they should be as slaves; as they feared that they could not effect their enslavement, they advocated their exclusion. Oregon was indeed destined to be a free State, but, in the words of Edmund Quincy, "in its moral attitude, in its external policy, in its relations to the great general issues pending in the whole country between mastership and manhood, it is virtually a slave State."

On the 11th of February, 1859, Mr. Stephens reported from the Committee on Territories a bill for the admission of Oregon as a State. A minority report, signed by Grow, Granger, and Knapp, was also presented, protesting against its admis-

sion with a constitution so discriminating against color. The proposition led to an earnest debate. Several amendments were offered, but they were ruled out of order, and the debate proceeded upon the merits of the two reports. Mr. Grow opposed the admission with such a constitution, on account of its injustice to a whole class born on American soil, "because they are poor, despised, and friendless." This declaration drew from Eli Thayer of Massachusetts the response that he should vote for the admission, because Oregon came, "not asking, but bringing gifts"; and because of the state of the parties, which necessitated some compromise. There were, he said, three parties in the Territory,—the free State party, the slave State party, and the anti-negro party, the latter preferring to have slaves rather than free negroes. To secure the support of these, the Republicans and free State Democrats inserted the provision complained of. Mr. Comins of the same State expressed his regret that Oregon, among whose early settlers were many New England men, should have inserted such a provision; but being now at the door, he should vote for its admission. James Hughes, a Democratic member from Indiana, spoke of the party that had just sprung into being, and had almost seized the reins of government; but he denounced it severely for its opposition to the bill, and he accused its members of being in favor of "negro equality." Charles Case of Indiana, though admitting that no State had gone so far as Oregon in its discrimination against free negroes,—for there was not a slave State, he said, in which a free negro could not go into court and sue for redress of grievances,—expressed his purpose to vote for its admission, as he did not wish it to be exposed to the corrupting influences of the administration; besides, he indulged the hope that in time it would become as just as it was free.

But though, as ever in those days, power was on the side of the oppressor, the strength of argument and the earnestness and eloquence of appeal were on the side of the oppressed. Clarke B. Cochrane of New York said it was not a question of negro equality, but one of ordinary humanity; and he



expressed the hope that those Republicans whose votes should give vitality to that constitution would say nothing more of the wrongs of the slave. It was better to be a slave, he said, "than to be an outlaw and an outcast, pursued, hunted, and homeless, without country, security, or friends, excluded from the courts, driven from the soil, and cast, a mere worthless waif, upon society." "Were I by my vote," said Mr. Dawes of Massachusetts, "to breathe the breath of life into that constitution, I should expect to be burned in effigy at every cross-road in my district." Mr. Hoard of New York said there could not be found, in all the constitutions of the slave States combined, so much inhumanity and injustice as in the constitution before them.

Mr. Bingham of Ohio made a very thorough and eloquent argument against the bill. With great force and felicity of language, and with befitting vehemence of expression, he entered his protest against "the horrid injustice" of this war on "the rights of human nature." He said that, before the Constitution, "all men are sacred, white or black, rich or poor, strong or weak, wise or simple; that before its divine rule of justice and equality of natural rights, Lazarus in his rags is on a level with the rich man clothed in purple and fine linen; the peasant in his hovel as sacred as the prince in his palace or the king on his throne." Stating the fact that there were about eight hundred thousand native-born colored men in the country, and affirming the principle that if Oregon might exclude them all other States might, he asked: "What in the name of God will you do with these men, these eight hundred thousand free native-born of our common country? In the name of eternal justice I deny this pretended State right to exile any of its native-born freemen, or deny them a fair hearing in maintenance of their rights in the courts of justice." Anticipating the contingency that the bill might pass, he exclaimed: "O, sir, how will this burning disgrace about to be enacted into law hiss among the nations that your boasted trial by jury is to be withheld from eight hundred thousands of our citizens and their posterity forever, because they were so weak or unfortunate as to be born with tawny

skins." But notwithstanding these cogent arguments and earnest protests, the bill passed the House by a vote of one hundred and fourteen to one hundred and three.

On the 5th of May it was taken up in the Senate, where substantially the same line of argument was pursued, for and against it, as had been followed in the House. Fessenden, Wade, and Wilson entered their protest against this inhuman provision, and refused to vote for the admission asked for. The slaveholders did not fail to make this action of a Northern Territory a text and occasion for defences of slavery and their slaveholding policy. Mr. Mason predicted that the time would come when the non-slaveholding States would be forced to adopt the same policy, and the escaped fugitives would return and ask to be made slaves again. Mr. Brown said that a portion of the people of the Northern States were very anxious to persuade and aid their slaves to escape, but after they had escaped they would have nothing to do with them. All their pretended sympathy, he charged, was a mockery. Mr. Douglas could not permit the opportunity to escape without the expression of his "care not" policy. "If Oregon wants that population," he said, "let her have them; if she does not want them, let her exclude them; it matters not to me. If she wants slaves, let her have them; if she does not want them, let her exclude them; that is her business, not mine." The bill was adopted on the 18th of May by a vote of thirty-five to seventeen, several Republicans voting for it.

The battle for Kansas had been transferred from Congress to the Territory, from the field of debate to the field of action. There victory had crowned the free State men, and the most arrogant and imbittered propagandist saw that the admission of Kansas, as a free State, was only a question of time. In February, 1859, the Territorial legislature adopted an act calling a convention for framing a constitution. The convention met in Wyandotte in July. A free State constitution was adopted, submitted to the people in October, and ratified by a popular majority of four thousand. But her trials were not even then ended, nor had her people reached the promised land they had sought with weary and bleeding feet so long; while new hindrances and further delays were before them.

The new constitution was laid before Congress on the 10th of April, 1860. By this act Kansas presented herself at the bar of the national legislature, with a full and fair expression of the popular will, regularly pronounced, and properly certified. Mr. Grow introduced a bill for her admission, and it was referred to the Committee on Territories, of which he was chairman. It was reported back, accompanied, however, by a minority and adverse report, signed by Mr. Clark of Missouri. On the 10th of April it came up for consideration, and the delegate, Marcus J. Parrott, made an effective speech in its behalf. Entering minutely into the history of previous attempts, and sketching carefully the last, he showed that, unlike either of the others, this answered every condition for reaching the deliberate, unimpeded, and emphatic expression of the popular will. Mr. Grow closed the debate with these words: "It is time that this record of Kansas wrongs should be closed. The blackest page of American history has been written during the last four years in the blood of her pioneers. It is a chapter of history which will be read by our children with shame for their country. It is time to open a new volume in the history of Kansas. Let this strife be ended. Give to this greatly wronged people a government of their own, and to the freemen of the nation assurance of returning justice in the councils of the Republic, by adding this star to the constellation of the Union." The bill was then passed by a vote of one hundred and thirty-four to seventy-three.

The Senate, on the 29th of February, proceeded to a consideration of a bill, introduced by Mr. Seward, for the same purpose. In his speech, accompanying it, the Senator referred to the radical and underlying ideas which were struggling for the mastery and possession of that fair Territory, — that which recognized the laborer as a man and that which regarded him as so much capital, — that which extinguished his personality not only politically, but in all the relations of life, and that which animated, invigorated, and developed that personality in all the rights and faculties of manhood, and generally with the privileges of citizenship; the one becoming "a great political force" and the other "the dominating political power."



In opposition to the bill, Mr. Douglas, beside his usual avowal that this was "a white man's government," made "for the benefit of white men," and to be "administered by white men and by none other whatsoever," spoke sneeringly of "that enormous tribe of lecturers that go through the country delivering lectures in country school-houses and basements of churches to Abolitionists, in order to teach the children that the Almighty had put the seal of condemnation upon any inequality between the white man and the negro." But he would not, he said, let a negro vote or hold office anywhere, if he could prevent it. Jefferson Davis, after urging the entirely unfounded claim, and making the ineffably silly remark, that nowhere but in the South "will you find every white man superior to menial service," said: "With us, and with us alone, as I believe, the white man attains to his true dignity in the government."

The House bill was reported in the Senate on the 16th of May without recommendation by Mr. Green, chairman of the Committee on Territories. He accompanied the bill with a speech opposing its passage. On the other hand, Mr. Collamer, another member of the committee, made a very forcible argument in its support.

It was on this bill that Mr. Sumner made his great speech on the "Barbarism of Slavery." Four years before, he had been smitten down by the Slave Power in the person of Preston S. Brooks. During the intervening time he had been absent from his seat in that chamber, and for the most of it he had been in Europe, in the patient pursuit of the fugitive health, which, though eluding long, he had so far recovered as to resume his place. Though his voice had never given an uncertain sound on the subject, and he had generally discussed whatever involved the principle of human chattelhood with great thoroughness, on this occasion he characterized all such previous efforts as "incidental" only. He now proposed to attack the system in its character, and show how wicked, how impolitic, how barbarous it was. Taking up the subject, he said, where he left it, he proposed to continue the discussion, and to complete what he then began. "Time has passed," he

said, "but the question remains"; and for four hours he described slavery with a thoroughness seldom, if ever, equalled, as, with affluence of facts, force of argument, and strength of language, he set before the nation such a picture of the monster as had never been before drawn.

"The Barbarism of Slavery," he said, "appears first in the character of slavery, and secondly in the character of the slave-masters." The character of slavery he considered, first, by reference to its origin and laws, and, second, by its results as witnessed in the slave and free States. The character of the slave-masters he considered as shown by their laws; as shown in their relations with slaves, in their relations with each other, with society, and government; and in their unconsciousness. Starting with this announcement of his general plan, he proceeded to establish and illustrate in detail the postulates of his discussion. After quoting from the laws of the slave-codes of several of the States, he epitomized in a single paragraph what could be done with the slave viewed as property alone. "He may," he said, "be marked like a hog, branded like a mule, yoked like an ox, hobbled like a horse, driven like an ass, sheared like a sheep, maimed like a cur, and constantly beaten like a brute,—all according to law." He said that slavery painted itself in five particulars,—by its impossible pretension of property in man, by its abrogation of marriage, by ignoring the family relation, by closing the gates of knowledge, and by appropriating all the toil of the victim.

He then proceeded to draw a contrast between the free and slave States, physically, morally, and intellectually; and he showed the barbarizing tendencies of the system in the slave-codes, in the relations of the slave-masters to their slaves, to each other, to society, and to the government. The relation of masters to their slaves could be inferred, he said, from the laws, from the whip, the thumb-screw, bloodhounds, and maiming. The relation of masters to each other could be learned from street-fights, duels, and other like demonstrations. He depicted their relations to the government by a somewhat full adduction of particulars, setting forth their violent and lawless conduct, especially in Congress and towards any who

were in the least identified with opposition to slavery and its interests. He specified the names of John Quincy Adams, Mr. Giddings, and Mr. Lovejoy, as affording memorable examples of what men were compelled to endure and expect who spoke for freedom, or who in any way demurred to the continued domination of the Slave Power. He spoke of the new dogma, that the Constitution carried slavery wherever its power was acknowledged as a purpose to Africanize the Constitution, the Territories, and the national government. In closing he spoke of "the sacred animosity of freedom and slavery," which could "end only with the triumph of freedom." "The same question," he said, "will be carried soon before that high tribunal, supreme over Senate and Court, where the judges are counted by millions, and the judgment rendered will be the solemn charge of an awakened people, instructing a new President, in the name of freedom, to see that civilization receives no detriment."

Immediately on the close of the speech, Mr. Chesnut of South Carolina made a short and abusive response, under the guise of giving reasons for not replying thereto. Its spirit and purport were compressed into the two remarks that it had been left for the Abolitionists of Massachusetts "to deify the incarnation of malice, mendacity, and cowardice"; and that, as a reason for sitting quietly and silently under the speech, "we are not inclined again to send forth the recipient of punishment howling through the world, yelping fresh cries of slander and malice." Mr. Sumner in response said: "Only one word. I exposed to-day the Barbarism of Slavery. What the Senator has said in reply I may well print as an additional illustration."

Several Senators participated in the debate; but the Democratic members persistently refused to put the bill on its passage. A final effort was made by the Republicans, the 7th of June, on a motion of Mr. Wade, to take it up; but the motion was defeated by a vote of twenty-six to thirty-two, Mr. Pugh being the only Democrat who voted with the Republicans. Kansas, thus remanded to her Territorial condition, was compelled to bide her time, and to wait for deliverance from a source that had not then entered into the calculations of any.



Nor did she wait long before that deliverance came. Among the marvels of her early and strange history was this, stranger than all, that at the last Kansas was indebted to the madness and violence of her embittered enemies for what the wisdom and earnestness of her warmest friends had failed to obtain; that treason wrought better for her than loyalty; and that again was seen how the wrath of man was made to praise God. Among the designed results of the election of the Republican candidate in the Presidential election of 1860, secured by the disruption of the Democratic party, was the secession of several Southern States, who made this the occasion and plea for their revolt, and who immediately led off in that "dance of blood" which afterward filled the land with suffering and sorrow, and which marked the most important epoch in the nation's history. By the retirement of those Senators who had so persistently opposed her application, a vote was secured for her admission, with this noticeable and pleasing coincidence, that the same day, January 21, 1861, witnessed both the departure of the retiring Senators and the incoming of the new and long-waiting State. And there were many who noted and appreciated the poetic justice of the Divine arrangement, by which it was left for the same hand that had borne so heavily and cruelly upon the struggling Territory to open the door it alone had kept closed, and by a suicidal violence to destroy itself.

## CHAPTER L.

### IRREPRESSIBLE CONFLICT IN THE FREE AND SLAVE STATES.

New departure. — Its requirements. — New Mexico. — Its slave code. — Bingham's bill. — Douglas's boast. — A bill to divide California. — Indian Territory. — Action of Kansas and Nebraska. — Position of the administration. — Free colored population. — Action thereon. — Convention in Maryland. — Hostile action defeated. — Success in the legislature. — Gross cruelty and injustice thereof. — Similar legislation in other States. — Virginia, Louisiana, North Carolina, and Georgia. — Decision of courts. — Important decision in Virginia. — Refusal of passports. — Decision of Secretary of Treasury. — Violent and revolutionary Southern utterances. — Northern action. — Personal liberty bills. — Vermont, Rhode Island, Connecticut, Maine, Michigan, Massachusetts, Wisconsin, Kansas, and Ohio. — Purpose of such bills. — Action of Massachusetts concerning separate schools. — Dred Scott decision. — Decisions in Maine, Kentucky, and New York. — Court of Appeals. — Argument of Charles O'Connor.

THE new departure of the propagandists, inaugurated by the compromise measures of 1850 and completed by the Kansas-Nebraska legislation and the Dred Scott decision, necessitated other and supplementary action in the same direction. Public sentiment must be further debauched to accept more kindly, or with less reluctance, the new dogma. New legislation and new decisions of courts were demanded to carry out and render effective what had been purchased at such enormous cost, and for which such persistent and protracted struggles had been necessary. Laws and decisions, adapted to the condition of things when slavery was regarded as the creature of local law alone, an evil to be tolerated because entailed and believed to be temporary, were found to be entirely inadequate under the new dispensation, when slavery was deemed national and no longer sectional, a creature of the Constitution, a good to be cherished and perpetuated. To secure the adjustment of municipal rules to this new order

of things, legislatures and courts were at once assailed, and demands were made for the needful laws and decisions to meet the new wants and provide for the new contingencies thus created.

This was specially true during Mr. Buchanan's administration. Failing in their efforts to make Kansas a slave State, the propagandists turned their eager eyes to New Mexico, Southern California, and the Indian Territory. Near the close of 1858, Mr. Otero, delegate in Congress from New Mexico, wrote from Washington to the secretary of that Territory, urging him to draw up a law, or laws, for the protection of slavery there. He claimed, indeed, that the Constitution and the laws of the United States, especially as interpreted by the Dred Scott decision, did "establish slavery in the Territories"; and yet, he thought, "advantages would result to the Territory" from such legislation. His counsel was taken, and such laws were enacted, — a slave code, in the language of Mr. Sumner, "most revolting in character, . . . not only establishing slavery there, including the serfdom of whites, but prohibiting emancipation." The next year after its enactment, on motion of Mr. Bingham of Ohio, the House of Representatives passed "a bill to disapprove and declare null and void" these "Territorial acts." The Senate did not pass the bill; but, while it was on the table, Mr. Douglas took occasion to refer to it, and he boastingly pointed the propagandists to it as one of the fruits of his doctrine of popular sovereignty. "Under this doctrine," he said, "they have converted a tract of free territory into slave territory more than five times the size of the State of New York. Under this doctrine slavery has been extended from the Rio Grande to the Gulf of California, . . . giving you a degree and a half more slavery than you ever claimed."

In 1859, a bill was introduced into the legislature of California for the division of the State into two parts, with the purpose of making the portion south of the thirty-sixth parallel of latitude slave territory; but it failed to become a law.

In the Indian Territory there were four tribes of Indians, — Cherokees, Choctaws, Chickasaws, and Creeks. Under



the fostering care of their governments slavery had become so firmly established that slaveholders thought them worthy of political fellowship, and articles in favor of their admission began to appear in the Southern press. "The progress of civilization," said the New Orleans "Picayune," "in several of the Indian tribes west of the States will soon bring up a new question for the decision of Congress. . . . It cannot fail to give interest to this question that each of the Indian tribes has adopted the social institutions of the South." To concentrate and give direction to such efforts, a secret organization was formed to encourage Southern emigration, and to discourage and prevent the entrance into the Territory of all who were hostile to slaveholding institutions. It was hoped thus to guard against the adverse fortune which had defeated their purposes and plans for Kansas. But the Rebellion, which abolished the cause they would serve, rendered abortive all such efforts in its behalf.

The free State Territorial legislature of Kansas in 1858 passed an act abolishing slavery; but it failed to become a law, the governor holding it in his hands until the close of the session. At the next session a new bill was passed, but it was vetoed on the ground that a Territory could not exclude slavery until it became a State. So much for Democratic consistency and regard for the doctrine of popular sovereignty. The bill, however, was passed over the veto. The legislature of Nebraska enacted a law forbidding slavery in that Territory; but that, too, was promptly vetoed by Governor Black, a Pennsylvania Democrat and afterward a colonel in the war, on the ground that the act of the legislature was not properly an act of the people. The Territorial laws of Kansas had been upheld by the administration, but they were for slavery. These were for freedom, and a Democratic administration was willing, not to say anxious, to defeat them.

But the new departure and the new dogma did not afford the only occasion of increased slaveholding solicitude and activity. The ordinary dangers and difficulties, which were always embarrassing and putting in peril "property in man," were greatly intensified by the sharp conflicts and heated

discussions of those days of strife. This and the increased facilities for locomotion and for the diffusion of intelligence developed new dangers and the necessity for new safeguards. Among the evils exciting special and increased solicitude was the presence of the free colored population. Always a source of solicitude and distrust, it became doubly so then. How to diminish the numbers of such, how to dispose of them, and how to prevent their increase by manumission, became great practical problems; and to their solution was devoted no small amount of thought and heartless ingenuity. Indeed, a careful study of slaveholding effort and legislation in the slave States during the closing years of the Slave Power reveal, notwithstanding all its victories, the straits of the system, and the utter demoralization of those who had resolved to adhere to its practice and protection.

In 1859 there was a convention of slaveholders on the eastern shore of Maryland to consider the subject. At their instance a State convention was called the next year. The movers proposed the adoption of State legislation that should compel the exile or enslavement of all free colored people. Laws against "free negroism," and for the self-enslavement of any who desired, were proposed and advocated. But more humane considerations controlled, and wiser counsels, whether from prudence or principle, prevailed. Indeed, so moderate seemed the temper and purpose of the convention that some predicted that Maryland would soon become a free State. But they miscalculated. The next legislature passed an act forbidding manumission, and also one permitting a free colored person to sell himself as a slave. These two acts, or laws, were regarded as the correlated parts of one policy, the one forbidding the colored person to remain as a freeman, the other allowing him to do so as a slave. Such, indeed, had become the policy of many of the slaveholding States. Well did a contemporary speak of "the atrocious wickedness and cruelty of forcing men, guilty of no wrong, into a choice between enslavement and expulsion from their business and their homes, and from a land they love so well that exile from it is to them more bitter even than slavery."

Such legislation was not, however, universal ; but in all, or nearly all, the States attempts were made to engraft it, or something like it, upon their respective slave-codes. In some the attempt failed, and in others it was but partially successful. In Virginia, an act for the voluntary enslavement of free negroes was passed in 1856. In 1859 an act was adopted authorizing the sale of free negroes into absolute slavery, who had been sentenced for offences "punishable by confinement in penitentiary." In 1859 Louisiana adopted similar legislation, and many free negroes often accepted the terrible alternative of becoming slaves rather than that of leaving their wonted homes. A New Orleans paper, after speaking of "two bright and intelligent free colored men" who had done so, added that there were "a great many" who would "pick out their masters and become slaves sooner than leave the population and the climate which pleases them so well." About the same time a Michigan paper coolly spoke of "twenty-nine negroes" crossing the river from "Detroit to Canada," as the "first instalment of the Northern emigration from North Carolina," as if this "emigration" was not an enforced exodus, of homeless and heart-broken exiles, as cruel and unjust as any ever ordained by Egyptian tyranny. In 1859 Georgia passed an act forbidding emancipation by will, and declaring all such instruments "null and void." Indeed, throughout the South there was nothing to break the fearful monotony of wrong. The tendency to make heavier the burdens of the slave, hedge him round more closely, and diminish his chances of escape either by manumission or flight, was paralleled only by the equally cruel and persistent policy to outrage the free colored people and drive them from their homes.

Nor was legislation alone sought. The courts were approached. And though they withstood the pressure, especially the Northern bench, better than the legislatures, the Southern judiciary did not find it difficult to follow the disastrous lead of the Dred Scott decision. Illustrative of this was a decision of the Virginia Court of Appeals. In 1857 it reversed a previous decision ; in 1858 it recognized the reversal as "control-



ling authority" in all subsequent cases, and declared that the slave had no civil or social rights and no "legal capacity" to choose between being emancipated and sold as a slave. Concerning this diabolical decision, at the very mention of which the heart recoils, and by which, it was said, "thousands" who had been expecting freedom, by will or otherwise, were compelled to relinquish all hope, because it made all such manumissions illegal, the leading Democratic papers of Richmond expressed the utmost satisfaction,—the "Enquirer" declaring it "the most important to the institution of negro slavery" since the days of Lord Mansfield, as it showed, it said, that the people of Virginia were "fully and thoroughly in favor of the institution of slavery"; while the "Examiner" hailed it as having practically decided that "slavery is desirable for the South, desirable for the slave, and right in itself."

This tightening of the chains around the black man, this increasing pressure on a race, this growing darkness of the night, were seen and felt, too, in the executive departments of the government. Among other evidences was its refusal to give to colored persons, however cultivated and deserving, wishing to visit Europe, the necessary passports. A half-century before, James Monroe, Minister to England, had given a passport to a slave of John Randolph, describing him as "a citizen of the United States"; now a colored physician of Massachusetts, wishing to visit Europe for his health, applied, through his Senator, Mr. Wilson, for a similar favor, and received from Mr. Cass, Secretary of State, for reply, that "a passport, being a certificate of citizenship, has never, from the foundation of the government, been given to persons of color." This was not historically correct. But it revealed the temper and policy of the government toward the colored race. And there were many like examples of the deep-seated prejudice and purpose to oppress and wrong. Mr. Cobb, Secretary of the Treasury, decided that a negro, not being a citizen, could not command a vessel sailing under United States papers, even if the vessel was his own.

In many other ways were exhibited this malignant and determined purpose to bind more securely and to close up more

completely every door of hope to the oppressed and prostrate race, and the general spirit of unrest and aggression that prevailed. The governors and legislatures of Alabama, Mississippi, Louisiana, and Florida gave utterance to the most revolutionary sentiments, some declaring the election of a Republican President sufficient cause for withdrawal from the Union. In December, 1859, the South Carolina legislature passed unanimously a resolution that the Southern States should be immediately convened to concert measures in view of such a contingency. During the same year the legislature of Kentucky, by a unanimous vote, adopted a resolution calling upon the general government to obtain a concession from Great Britain by treaty for the rendition of fugitive slaves. The governor of Virginia recommended the appointment of two of her most distinguished men to visit the legislatures of all the States which had enacted "personal liberty" laws, and to "insist in the name of Virginia on their unconditional repeal."

But it was not all darkness. Amid general defection there was a large minority at the North who not only did not join therein, but who sought to resist and turn it back; who had not conquered their prejudices, who looked with dismay upon the manifest drift of things, and who sought through legislative and judicial action to stem the current of despotism that was threatening to submerge the land. Though still embarrassed by the compromises of the Constitution, rendered more intolerable by the new dogma, the new departure, and the grim purpose to exact everything "nominated in the bond"; hampered, too, by their loyalty and the cry of nationality, by the clamors of trade and the claims of party, they knew that to falter was to fail, and not to resist was to yield entirely.

Among the earliest demonstrations of this purpose was the enactment of these "personal liberty" bills. In this Vermont, Rhode Island, and Connecticut took the lead, placing such laws on their statute-books in 1854. In 1855 Maine, Michigan, and Massachusetts adopted similar legislation. In 1858 Wisconsin and Kansas did the same, and in 1859 Ohio followed their example. Though differing somewhat in scope

and form, they were, substantially, designed to protect the citizens of those States against kidnapping; to punish for falsely declaring a free person to be a slave; to forbid State officers aiding in such arrests, and also the use of local jails for the detention of persons claimed as fugitive slaves; and to secure to such citizens the right of trial by jury and the benefit of the writ of *habeas corpus*. These same States and some others adopted similar legislation, the design of which was to protect the colored race in the enjoyment of its admitted rights. But with all that was humane and just, there remained many evidences of prejudice, and a lack of any adequate recognition of the primal truths upon which alone rest free institutions.

In the right direction was the action of the Massachusetts legislature respecting separate colored schools in the city of Boston. Although discrimination on account of color had been driven from all the towns and every other city of the Commonwealth, the capital had persisted in maintaining the invidious distinction, in spite of many and earnest appeals and arguments against it. But when, in consequence of the great political revolution of 1854, the Whig rule had been broken, and the power had passed into the hands of the American party, and it was found that both branches of the legislature were decidedly antislavery, it was resolved to effect a change. Not long after the assembling of the legislature an order was adopted, instructing the Committee on Education to report whether further legislation was necessary upon the subject. That committee soon presented a very elaborate and able report, drawn by Charles W. Slack, and a bill, prepared by John A. Andrew, afterward governor, removing the hateful discrimination. With little debate, and by almost unanimous votes, it passed both houses, received the governor's signature, and became a law.

But of all the aggressions of those dark years none produced a more profound impression and alarm than the Dred Scott decision. It was not simply its cruel and abhorrent *dicta* that excited apprehension. Their gratuitous proclamation created alarm. That the Supreme Court of the United



States should, without any call from the case in hand, volunteer such an opinion, revealed the alarming symptom, the ominous fact, that the poison of oppression had reached the heart; that the spirit of slavery, and not of liberty, had become the inspiration of that august tribunal, and that the highest judges of the land had joined in this crusade against human rights. This decision involved the necessity, on the part of State courts, of defining their position and of indicating where they were to be found in the stern struggle then in progress. And cases involving these principles were soon presented for their consideration.

It was not long after the proclamation of this opinion that the legislature of Maine, besides declaring it extra-judicial, submitted to the supreme court of that State the inquiry whether citizens of African descent had a right to vote. The court decided that the term "citizens of the United States" "applies as well to free colored persons of African descent as to persons descended from white ancestors"; one judge dissenting. In May, 1857, the supreme court of Ohio decided, by four of its five judges, that slaves coming into that State from Kentucky with the consent of their owners were at once emancipated, and could not be reduced to slavery again by any laws that court could recognize. The chief justice made a distinction, however, between a change of residence with the consent of the master and a simple transit through the State. Mr. Brinkerhoff, assenting to this decision and giving reasons therefor, said that the enslavement by local authority of one already free presented "the monstrosity of a legalized wrong, — an iniquity intensified and hardened into law." To decide otherwise would be, he contended, "to lend it indirect sanction through a morbid exaggeration of the spirit of courtesy."

In New York the same matter came up for adjudication on what was familiarly called the Lemmon case, or that of certain slaves who were taken to the commercial metropolis in transit from one of the Northern slave States for Texas. They had been set at liberty by one of the inferior courts on the principle that slaves could not be taken through a free State and remain slaves. An appeal was taken to the supreme

court of the State, and on the 7th of December, 1857, that decision was affirmed, one judge only dissenting. In January, 1860, the case was taken before the Court of Appeals, William M. Evarts and Charles O'Connor appearing respectively for the slaves and the slaveholders ; and it, too, affirmed the decisions below, recognizing the principle claimed, and establishing the fact that New York could not be made a highway or port of transit for the domestic slave-traffic.

This trial was noticeable, too, for the extreme opinions advanced by the counsel of the slaveholders. He based his argument for reversal of decision upon the ground that property in man rested on the basis of all other property, and that no State could pass laws that would vitiate or extinguish its claim. To establish that point, it was necessary to show that slavery was not wrong, and not contrary to the self-evident truths of the Declaration. The first he boldly affirmed, declaring that slavery was not morally wrong, and that there was no law of nature or of God against slaveholding. He said that if slaveholding was a sin, it was a sin of the greatest magnitude ; that the man who did not shrink back from it with horror was utterly unworthy of the name of a man ; and that an honest European would, if he had self-respect, turn his back upon a Northern man wilfully offending, as "the vilest of the vile." Of the phrases concerning human equality in the Declaration of Independence he said, if they were intended to include negroes, that the first sentence of the Constitution, setting forth its purpose to establish justice, is "a piece of hypocrisy and falsehood, and the American name is covered with the undying stigma inwrought with the perpetuation of injustice." Though many may not have accepted this estimate of slavery or this interpretation of the Declaration, yet it would have been then, as it is now, much easier to denounce the insincerity and extravagance of this language than to answer this sharp arraignment of the nation for its inconsistency, not to say "hypocrisy and falsehood," in promulgating such a Bill of Rights, adopting such a Constitution, and then supplementing it with such a history.

## CHAPTER LI.

### MENACES OF DISUNION.

Intense Southern feeling. — Disloyal sentiments. — Parties in Congress. — Failure to elect a Speaker. — Clark's resolution. — Helper's book. — Millson's declaration. — Sherman's disclaimer. — Sarcasm of Stevens. — Treasonable utterances of Garrette and Lamar. — "Overt Act." — Threats of De Jarnette, Leake, Pryor, Keitt, Crawford, Underwood, Pugh, Clopton, Barksdale, and Singleton. — Patriotic utterances of Southern men. — Stokes. — Anti-Lecompton Democrats. — John Hickman. — Thomas Corwin. — Extreme utterances in the Senate. — Toombs, Iverson, Clay, and Clingman. — Mr. Wilson's response. — Such sentiments feebly rebuked by Northern Democrats. — Similar sentiments proclaimed throughout the South. — Public meetings. — Avowals of Jefferson Davis, Faulkner, McRee, and Iverson. — Picture of a Southern confederacy.

WHEN the XXXVIth Congress met on the 5th of December, 1859, the Southern members exhibited great intensity of feeling and earnestness of purpose. Many had convinced themselves that in secession alone could the South find protection from the rapidly accumulating forces of free institutions. They were indifferent to anything like conciliation and agreement; and they sought rather to aggravate than remove whatever was calculated to widen the breach already existing, and to render hopeless everything but disunion. Such had become the tone of several of their leading presses, and such the sentiment which had been proclaimed at several public meetings held during the summer and autumn.

There were three parties represented in the House by one hundred and nine Republicans, one hundred and one Democrats, and twenty-seven Americans, or old-line Whigs. On the first ballot for Speaker there was no choice, John Sherman receiving sixty-six, and Galusha A. Grow forty-three votes; the latter, however, withdrawing his name on the declaration of the result. This vote and the state of feeling indicated thereby became the signal of an irregular debate, extending



through eight weeks, before an election of Speaker was effected. In it were uttered sentiments of the most disorganizing character and of the baldest treason.

This stormy debate was introduced by a singular resolution, offered by John B. Clark of Missouri, to the effect that the doctrines of a book just published, written by Hinton R. Helper of North Carolina, and styled "The Impending Crisis of the South," were insurrectionary and hostile to the domestic tranquillity of the country; and that no member who had indorsed it was fit to be Speaker. The impertinence of that intrusive measure was indicated, not simply by its conflict with freedom of speech and action, but by the fact that the book condemned was not distinctively an abolition work, but was written not so much in the interest of the black as of the white population, for prudential rather than philanthropic reasons, more in behalf of the master than the slave, and more to help the non-slaveholding whites than either. A compendium, prepared for general circulation, had received the recommendation of a paper signed by nearly seventy members of the House of Representatives, and by such men as Horace Greeley, William C. Bryant, Thurlow Weed, and John Jay. The special point of the resolution was directed to the fact that Mr. Sherman, one of the candidates for the speakership, was among these signers; and the demand was made by the mover that his name should be withdrawn.

Mr. Millson of Virginia said that he who "consciously, deliberately, and of purpose lends his name and influence to the propagation of such writings, is not only not fit to be a Speaker, but he is not fit to live." This strange and senseless declaration was applauded by the galleries. Mr. Sherman then informed the House that he had never read the work, and that he had never seen a copy of it. He read, too, a letter from Francis P. Blair, in which it was stated that Mr. Helper had promised to expurgate the objectionable passages, and he added that it was in consequence of this assurance that Republican members had joined in the recommendation. Mr. Leake of Virginia, rising under great excitement, demanded of the "candidate of the Abolition party," whether he was opposed

to any interference on the subject of slavery. Mr. Sherman too promptly, some thought, replied: "I am opposed to any interference whatever by the people of the free States with the relations of master and slave in the slave States."

But soft words were thrown away. Mr. Keitt confronted them with quotations from the speeches of Mr. Seward, the utterances of the New York "Tribune," concerning the book and the John Brown raid. The South, he said, asked nothing but her rights; "but," he added, "as God is my judge, I would shatter this republic from turret to foundation-stone before I would take one tittle less."

Thaddeus Stevens, mingling sarcasm with severity, and his severity designed more for the North than the South, said he did not blame the Southern members for the course they were pursuing, though he regarded it as untimely and irregular. He did not blame them for their language of intimidation, "for using this threat of rending God's creation from turret to foundation." They had tried intimidation before and it had succeeded. They had tried it "fifty times, and fifty times" they had found "weak and recreant tremblers in the North."

This cool sarcasm of the imperturbable Pennsylvanian was more than the fire-eaters could bear. Mr. Crawford of Georgia, interrupting him, impatiently remarked that they wanted no backing down, but "a square and manly avowal of their sentiments"; at the same time he gave the assurance that there would be no "cowardly shrinking" on the part of the South. Members crowded into the area, and great excitement prevailed. Mr. Stevens contemptuously remarked: "This is the way they frightened us before; now you see exactly what it is, and what it has always been." He raised, however, the point of order that no business should be entered upon until the House was organized. Garnett of Virginia, springing to the floor, at once took issue, and vehemently demanded that the discussion should go on, remarking that there was no power that could stop it. This defiant threat was received with marked approval by Southern men and their sympathizers, both on the floor and in the galleries. This saturnalia of

words — it could hardly be called debate — proceeded. The arrogant Virginian told Northern members to go home, repress the abolition spirit, repeal their personal liberty laws, and adopt legislation to punish men engaged in such insurrectionary proceedings. “Unless,” he said, “you do pass such laws, unless you do put down the spirit of Abolitionism, the Union will be short.” Thus boldly and baldly did he avow his contumacy and treason. Mr. Lamar of Mississippi charged Republicans with taking issue with the Constitution, and practically renouncing allegiance to its requirements. Claiming that the fathers had put the negro “as an institution of property and of society and of government into the Constitution,” he defied them to put him out. They could do it, but at their peril. Avowing his devotion to the Constitution, he said: “But when its spirit is no longer observed on this floor, I war upon your government. I am against it. I raise then the banner of secession, and I will fight under it as long as the blood ebbs and flows in my veins.”

But these remarks were too general, and not sufficiently explicit. Something more specific and direct was necessary, if not to give full expression to the Southern purpose, at least to suitably affect the Northern mind, and to convince it of the imminence of the impending danger. The election of a Republican President was therefore seized upon as the “overt act” that was to seal the doom of the Union, and to place the offending party beyond the pale of Southern endurance. De Jarnette of Virginia said that Mr. Seward was a perjured traitor, whom no Southerner could either consistently support, or even obey, should the nation elect him President. “You may,” he said, “elect him President of the North, but of the South never.” Mr. Leake, of the same State, avowed her right to secede, with manifest tokens of approval on the Democratic side of the House. Repudiating the sentiment uttered by Governor Wise, of fighting inside of the Union, he said: “We will not fight in the Union, but quit it the instant we think proper to do so.” Mr. Pryor, in reply to antislavery utterances, said that slavery was not repugnant to the Constitution; nor was it calculated to impede the progress of the



Republic. "The ever-active and turbulent spirit of free labor in the North," he said, "will precipitate the social system into anarchy, if it be not counteracted and controlled by the conservative interests of slave labor in the South." Eight millions of Southern freemen, he contended, could not be subjugated by any combination whatever, "least of all by a miscellaneous mob of crazy fanatics and conscience-stricken traitors." "Were the South," he said, "with its incomparable advantages," and "its monopoly of the staples which rule the commerce of the world," to "organize a confederacy," it would rear "a fabric of government which shall survive the lapse of ages, and renew with brighter illustration the republican glories of antiquity."

Mr. Keitt said that "if the Republican party shall get possession of the government, the Union must perish. . . . Should the Republican party succeed in the next Presidential election, my advice to the South is to snap the cords of the Union at once and forever." "This Union," he said, with an amusing ignorance of what he was talking about, "great and powerful as it is, can be tumbled down by the act of any one Southern State. If Florida withdraw, the Federal government would not dare attack her. If it did, its hands would dissolve as if melted by lightning. Let a Southern State withdraw, and wherever her flag floats it will be respected; for it will be the flag of the slaveholding world. But touch it with an armed hand, and the whole South would rush to its defence, and would emerge from the struggle with an organized slaveholding confederacy." Thus wildly and recklessly did the men of that day talk, boasting of a power and prowess which the stern arbitrament of war soon put to the test, only, however, to show that, if they did not overestimate themselves, they underrated others.

The representatives of Georgia were hardly less extreme and defiant, making an election of a Republican President a cause of secession. Crawford said that the question had resolved itself into this: "Slavery or disunion, or no slavery and union"; and he boldly avowed the position which he and his constituents had taken. "In regard to the election of a

black Republican President," he added, "I have this to say, — and I speak the sentiments of every Democrat on this floor from the State of Georgia, — 'We will never submit to the inauguration of a black Republican President.' I repeat it, — and I have authority to say so, — that no Democratic representative from Georgia will ever submit. They are for 'equality in the Union, or independence out of it.' Having lost all hope of the former, I am for independence forever." And even these treasonable utterances were received with applause from the Democratic side of the House. Underwood, of the same State, bitterly assailed the Republican party. "I am," he said, "a Georgian. To the State of Georgia I owe my allegiance, — first, last, and always. By her I intend to stand. If Georgia says secession, if Georgia says disunion, if Georgia says revolution, if Georgia says fight in the Union, or fight out of the Union, I intend to stand by the action of the sovereign people of Georgia."

The voice, too, of Alabama chimed in with this monotone of treason. Speaking in the person of Mr. Moore, she contended that the election of a Republican President would be cause of secession. "Whenever," he said, "a President is elected by a fanatical majority of the North, those whom I represent are ready, let the consequences be what they may, to fall back on their reserved rights, and say, 'As to this Union, we have no longer any lot or part in it.' " Curry, of the same State, in a very philosophical speech on the general issues involved in the underlying controversy, did not hesitate to avow a similar sentiment, and to claim that the election of a Republican President would justify even the extreme measure of national disruption. Pugh avowed that the truest conservatism and the widest statesmanship demanded a speedy termination of all association with such confederates, and the formation of another union of States, homogeneous in population, institutions, interests, and pursuits. Clopton, after saying that war, if there should be any, must come from the North, added : "If war must come, let it come. The smoke that will arise from its fields of carnage and blood may obscure the sun which sends forth life and light and vigor, but when

that shall have cleared away, the same sun will shine with undiminished brilliancy upon a redeemed and disenthralled South."

Mississippi spoke in the same strain and fittingly in the person of Barksdale, one of the most violent and extreme of the propagandists. He demanded the protection of slave property in the Territories, and the cessation of slavery agitation. "The army," he said, "which invades the South to subjugate her will never return. Their bodies will enrich the soil." He little dreamed, while making this empty threat, that in less than four years his blood would "enrich the soil" of Gettysburg. Singleton said: "Our determination is fixed and unalterable. We will have an expansion of territory in the Union if you will allow it, or outside of the Union if we must." "Gentlemen of the Republican party," said Reuben Davis, "I warn you. Present your sectional candidate in 1860, elect him as the representative of your system of labor, take possession of the government as your instrument in this irrepressible conflict, and we of the South will tear this Constitution to pieces, and look to our guns for justice and right against aggression and wrong."

But all Southern men were not thus violent and traitorous. There were those, more patriotic and prudent, who deprecated this reckless assertion and style of remark. Among them was Mr. Stokes of Tennessee. Rebuking the disloyalty which had thus revealed itself, he repeated and indorsed the patriotic declaration of Henry Clay: "I will never consent to the dissolution of the Union, never, never, never!" Mr. Nelson, of the same State, also spoke eloquently in the same behalf. "I trust in God," he said, "that these sentiments will fill and swell every American heart as long as he shall lead us in perils to come, as he has led us in perils that are past, by a pillar of cloud by day and by a pillar of fire by night."

Nor were all the appeals to the patriotism of its members from the Republicans. Anti-Lecompton Democrats spoke earnestly in the same behalf. Among them was John Hickman of Pennsylvania. He took occasion to say, in reference to the menaces of disunion, that if dissolution meant a dividing-line



of sentiment between the North and the South, it existed already; that it was dangerous then for a Northern man to travel in the South; that any postmaster whose receipts did not amount to five dollars per annum could, if a letter bearing his frank came into his hands, "open it, examine it, and burn it, on the pretext that it is 'incendiary.'" "But if dissolution," he added, "means that there is to be a division of territory by Mason and Dixon's line, or any other line, I say: 'No; the North will never tolerate a division of the territory.'" To an interruption from a Georgian, inquiring how the North could prevent it, he replied that there was as much true courage at the North as at the South. "I always believed it," he said, "and therefore I will express it; and I believe that, with all the appliances of art to assist, eighteen millions reared in industry, with habits of the right kind, will always be able to cope successfully, if need be, with eight millions of men without these appliances." This dignified and well-expressed retort produced a profound impression, and was frequently referred to in the subsequent debates.

Near the close of the struggle, Thomas Corwin, whose age, large experience, and wonderful oratorical powers were recognized by all, addressed the House at great length, and was listened to with profound attention. His speech, which was argumentative and strong, abounded in flashes of wit and humor, in patriotic and pathetic appeals. He pleaded for the "Constitution inviolate," and "the Union which it created unbroken." He expressed the conviction that, with the Constitution and the Bible as guides, "the cloven-footed altars of oppression all over the world will fall down, as Dagon of old fell down and was shivered to pieces in the presence of the ark of the living God." Pronouncing disunion a crime of frightful enormity and an unpardonable sin, he said: "Rather than this, we should pray the kind Father of all, even his wicked children, to visit us with the last and worse afflictions that fall on sin and sinful man. Better for us would it be that the fruitful earth should be smitten for a season with barrenness and become dry dust, and refuse its annual fruits; better that the heavens for a time should become brass, and

the ear of God deaf to our prayers; better that famine with her cold and skinny fingers should lay hold upon the throats of our wives and children; better that God commission the angel of destruction to go forth over the land, scattering pestilence and death from his dusky wing, than that we should prove faithless to our trust, and by that means our light should be quenched, our liberties destroyed, and all our bright hopes die out in that night which knows no coming dawn."

No less extravagant and extreme were Southern utterances in the Senate. Prominent among its speakers was the bellicose Toombs, with his usual bluster and bravado, denouncing the Republicans as enemies of the Constitution and country, and avowing his purpose to treat them as such. He said it was vain to talk of peace, fraternity, and a common country. "There is no peace," he said, "no fraternity, no common country." He claimed that the South had just cause of war; indeed, that civil war virtually existed, and that the contingency of disunion but depended upon the success of the Republicans in the coming contest. "When the time comes," he said, "freemen of Georgia, redeem your pledge. I am ready to redeem mine. Your honor is involved, your faith is pledged. I know you feel a stain as a wound; your peace, your social system, your firesides, are involved. Never permit the Federal government to pass into the traitorous hands of the Black Republican party. Listen to no vain babblings, to no treacherous jargon about 'overt acts'; they have already been committed. Defend yourselves; the enemy is already at your doors; wait not to meet him at the hearth-stone, meet him at the door-sill, and drive him from the temple of liberty, or pull down its pillars, and involve him in a common ruin."

Iverson was equally decided, if less violent. In the event of the election of John Sherman he said: "I would walk, every one of us, out of the halls of this capitol, and consult our constituents; and I would never enter again until I was bade to do so by those who had the right to control. I would counsel my constituents instantly to dissolve all political ties with a party and a people who thus trample on our rights." He maintained that slavery could be preserved only by a South-

ern confederacy, and he avowed his purpose to counsel his constituents "to dissolve the Union" should a President be elected by "a Northern sectional party."

Clay of Alabama, in an elaborate speech, maintained that it was impossible for the South to live under a Republican administration. "If my State," he said, "is faithful to the pledges she has made, the principles she has professed; if she is true to her own interest and her own honor; if she is not recreant to all that State pride, integrity, and duty demand, she will never submit to your authority. I will add that unless she, and all the Southern States, with perhaps two, or at most three exceptions, are not faithless to the pledges they have given, they will never submit to the government of a President professing your political faith and elected by your sectional majority."

Equally denunciatory was Clingman of North Carolina. He said that there were hundreds of disunionists at the South where there was one ten years before; that in some of the States they were in the majority; and that a still larger number would be with them on "the happening of a cause." He stigmatized the Republicans as "enemies." The election of a Republican President he regarded as an act sufficiently "overt" to "justify resistance," and he would "not surrender the capitol to a public enemy." "As from this capitol," he said, "so much has gone forth to inflame the public mind, if our countrymen are to be involved in a bloody struggle, I trust in God that the first fruits of the collision may be reaped here."

Though it had been the policy of the Republicans not to mingle largely in the debate, with its deluge of wrathful and menacing words, but to sit in silence under the rain of threats and treason, Mr. Wilson did reply to the menacing speech of Clingman. "The people of the free States," he said, "have sent their representatives here, not to fight, but to legislate; not to mingle in personal contests, but to deliberate for the good of the whole country; not to shed the blood of their fellow-members, but to maintain the supremacy of the Constitution and uphold the Union: and this they will endeavor to do



here, in the legislative halls of the capitol, at all events and at every hazard. In the performance of their duties they will not invade the rights of others, nor permit any infringement of their own. If, while in the discharge of their duties here, they are assaulted with deadly intent, I give the Senator from North Carolina due notice here to-day that those assaults will be repelled and retaliated by sons who will not dishonor fathers that fought at Bunker Hill and conquered at Saratoga. Reluctant to enter into such a contest, yet once in, they will be quite as reluctant to leave it. Though they may not be the first to go into the struggle, they will be the last to leave it in dishonor. So much their constituents demand of them when the 'bloody struggle' the Senator contemplates is forced upon them, and they will not be disappointed when the exigency comes."

On the 1st of February, and on the forty-fourth ballot, Mr. Sherman having withdrawn his name, William Pennington of New Jersey was elected Speaker. But the war of words still raged. Though the immediate occasion was removed, the great cause still remained. Less violent and audacious perhaps, but no less determined and defiant, were the utterances that ever and anon revealed the hatred of the Union which still rankled within, and the more than half-formed purpose that soon ripened into action for its destruction. Nor was the position of Northern Democrats, with few exceptions, more satisfactory. If they did not utter words of treason, they rebuked but feebly those who did.

And these sentiments and speeches did but too faithfully represent Southern feeling and purpose. During the preceding summer and autumn similar sentiments had been proclaimed promiscuously throughout the Southern States. Jefferson Davis, who had visited New England during the preceding summer, addressed a popular gathering at the capital of his State. Alluding to the event of the election of a Republican President, and to the question, What shall the South do? he said he had but one answer to give, and that was to strike for the independence of Mississippi, and for its immediate withdrawal from the Union. He "advised the people of the South

to turn their old muskets into Minnie rifles, prepare powder, shot, shell, ammunition of all kinds, and build fortifications, and thus be prepared for any emergency." Charles James Faulkner, at a public meeting in Virginia, asked: "Should William H. Seward be elected in 1860, where is the man now in our midst who would not call for the impeachment of a governor of Virginia who would silently suffer the armory at Harper's Ferry to pass under the control of such an executive head?" And yet, almost on the heel of this utterance, he was appointed by the President Minister to France.

Governor Letcher, in his message in January, while the debate in Congress was in progress, put forth sentiments equally disloyal. Referring to the possible election of Mr. Seward, he said that "the idea of permitting such a man to have the control of the army and navy, and the appointment of high executive and judicial officers, postmasters included, cannot be entertained for a moment." Ex-Governor McRae of Mississippi, speaking at the capital of the State, declared it to be his policy, and that of "the Democratic party of the State," "to take independence out of the Union in preference to the loss of constitutional rights, and consequent dishonor and degradation, in it." Iverson of Georgia drew a most flattering picture of "a Southern Confederacy." "In a confederated government," he said, "of their own, the Southern States would enjoy sources of wealth, property, and power unsurpassed by any nation on earth. Our expanding policy would stretch far beyond present limits. Central America would join her destiny to ours; and so would Cuba, now withheld from us by the voice and votes of Abolition enemies." So madly did they talk, so wildly did they dream, and so blindly did they forecast the issue of the strife they were provoking, which was looming up darkly and terribly, and which was even then at the door.

## CHAPTER LII.

### NEW DOGMA OF SLAVERY PROTECTION IN THE TERRITORIES.

Southern madness. — Ostracism of Mr. Douglas. — New demands. — Differences of opinion. — Southern press. — Jefferson Davis. — Three leading ideas. — Exciting debates. — Mr. Pugh's resolution. — His partisanship. — Northern damage. — Debate between Pugh, Brown, and Lane. — Between Douglas, Davis, and Clay. — Mr. Brown's resolutions. — Mr. Wilson's speech. — Davis's resolutions. — Speech. — Douglas's reply. — Degradation of his party. — Votes on the resolutions. — Speeches of Crittenden and Lane. — Brown's amendment. — Sarcasm of Hale, and its sad significance. — Clingman's amendment reconsidered and rejected. — Resolutions adopted.

DURING the closing days of the rule of the Slave Power in America madness seemed to rule in the counsels of the Southern leaders. At least, their overweening confidence in the security of their position and in the completeness of the subjection to which they had reduced the government seemed akin to madness, or at best to a judicial blindness that hid from their view the natural tendency and necessary result of their policy. There was such a wanton throwing away of power they had been years in accumulating, such a relinquishment of vantage-ground they had gained by their bold and audacious strategy, and such trifling with the interests of their Northern Democratic allies, who had sacrificed and imperilled so much in their behalf and at their behests, that thoughtful men could not fail to realize that there were other purposes, human or divine, to be promoted than those of the immediate actors in these great and pregnant events. To quarrel with such a man as Mr. Douglas, who had done more than any other man to reduce or dragoon the Northern Democracy into Southern support; to divide the Democratic party, with its large majority and its traditional adherence to their policy, and deliberately organize its defeat, and thus secure the election of a Republican President, can hardly be accounted for on any known principles of human action.



As if assured that they had but to speak to be heeded, had but to command to be obeyed, they seemed to regard the results already achieved as but stepping-stones to a higher position and more complete control, the advances already made as only affording a new base of operations. Not content with barren victories or barren abstractions, they at once set about the work of confirming possessions already acquired, utilizing the power and advantages already secured, and perfecting their favorite legislation, already so far advanced. Not satisfied with past concessions, the obliteration of the landmarks of freedom and the refusal of all discrimination in behalf of human rights, they seemed resolved that slavery should become emphatically national, that no part of the Republic should be beyond the reach of its encroachments, that its hated presence should go wherever the Constitution went, and that the flag of the Union should wave only over the land of the slave. In this deliberate, combined, and continued onslaught on human rights and the nation's honor and integrity there was not always perfect agreement among the assailants. Though seemingly alike loyal to the demon they so faithfully served, these cohorts of slavery allowed considerable display of individuality in the mode of expressing it.

Early in the autumn of 1858 the Southern press took the initiative in advocating this advanced position. The Richmond "Enquirer" complained that "the present state of federal legislation was entirely inadequate for the thorough and effectual protection of slave property in the Territories." Assuming that, under the Dred Scott decision, slavery could not be "prohibited" in a Territory, it asked: But how can it be "protected"? It answered: "Congress must intervene to protect slavery in the Territories. A code for its protection ought to be provided." But, it argued, until such legislation is effected, "much, if not all, must depend upon the loyalty and efficiency of the President, who would appoint the executive and judicial officers of the Territory." "Hence, the next Democratic candidate must be pledged" thereto. The Charleston "News" was still more decided and explicit. Admitting that the Dred Scott decision and the Kansas-Nebraska legis-

lation conferred on slavery "the right to go" to the Territories, it contended for the duty of "protecting that right"; and this could not be done, it argued, but by "positive proslavery legislation," and "a federal slave-code for the Territories." As there was no power to "coerce a Territorial legislature to do its constitutional duty, Congress must supply the legislation withheld by the derelict Territory."

Jefferson Davis, leading off as ever, took the advanced position. But, more wary and politic, he contented himself rather with the enunciation of general principles than by demanding immediate legislation. For that he was willing to wait as for the legitimate outcome of the "principles" to which he first sought to commit the Democratic party. These general principles, he knew, indeed, were a complete abandonment of that "popular sovereignty," the party had been persuaded, at large cost of honor and Northern strength, to adopt; and that to them and the proposed change Mr. Douglas would be naturally and inflexibly opposed. Indeed, from policy, if not from principle, the latter could not submit to a vassalage quite so ignominious; and he was now prepared to make as vigorous a fight for the doctrine of popular sovereignty against the extremists of the South as he had made against the Republicans of the North.

There were, then, at least three leading ideas which had their advocates at the opening of the XXXVIth Congress. There was the Republican idea of no more slave territory; the popular sovereignty idea, of which Mr. Douglas was the leading exponent; the idea of slavery protection, of which Jefferson Davis then became the champion. The last was embodied in the resolutions of the latter, which became the subject of the great debate of the session. Ideas like these, in the minds of earnest and able men intent on their vindication and immediate adoption, necessarily excited heated discussions. These were intensified by the unconcealed purpose of the Southern leaders to disown Mr. Douglas, and, if possible, to read him out of the Democratic ranks,—a policy already inaugurated by his removal from the chairmanship of the Committee on Territories. The pent-up fires of long-continued agitation sought vent; the



opposing purposes of men and the higher purposes of God were hastening to their culmination and final conflict.

As the House, before organization, launched on the sea of tempestuous debate, a similar demonstration was inaugurated in the Senate. On the 19th of December, Mr. Pugh, in behalf of popular sovereignty, introduced a resolution recommending the repeal of so much of the acts organizing the Territories of New Mexico and Utah as required the laws of their legislatures to be submitted to Congress for approval or rejection. Though an able lawyer, and ready in debate, his mind was more distinguished for acuteness than breadth, more forensic than fundamental in his mode of handling the topics he discussed. He had no sympathy with antislavery ideas, principles, or men, and did not hesitate to disavow all hostility to the most extreme opinions of the Southern school. Intensely partisan, he seemed far more anxious to vindicate the "soundness" of the Northern Democracy, and thus maintain its ascendancy in the national councils, than to defend the claims of humanity. He had had large experience of the difficulties and dangers the Democratic party had encountered because of the incorporation of Southern dogmas into its platform; and he had painful knowledge of the decimation in its numbers it had suffered therefrom. Even under the high-sounding phrase of popular sovereignty and in the specious guise of a particular regard for the people's rights, it had not consented to that new departure without manifest damage. Now, when asked to abandon that position for one still more indefensible and outrageous, he saw that its slaveholding allies were making demands to which the Democracy could not safely yield.

In his speech in support of his resolution he denounced the doctrine of slavery protection by Congress in the Territories as "unmitigated Federalism"; and he told his Democratic associates that, though they might be successful in organizing committees in the Senate, they would not be successful elsewhere. A sharp colloquy sprung up between him, Brown of Mississippi, and Lane of Oregon on the rights of property in slaves, and their origin. The Senator from Ohio contended



that the title to such property was in the laws of the State. The Senator from Mississippi claimed that it was in the legislation of Congress, which body, he contended, was under obligation to extend to slave property a kind of protection provided for no other. The Senator from Oregon gained the damaging compliment from Mr. Brown, of having delivered a speech more national, more conservative, and broader than he had heard during the session, perhaps "during half a dozen sessions."

On the 12th of January the resolution came up again, when the mover made a still longer speech, in which he complained that he stood without assistance or sympathy, except from Mr. Douglas, as to his opinions, "from either side of the chamber." A debate, of great bitterness of feeling and personal reference, sprang up between Mr. Davis and Mr. Douglas. After referring at some length, and with no little acrimony, to the removal of the latter from the head of the Committee on Territories because, as admitted by Mr. Davis, of his views on the Territorial question, and because, as claimed by himself, he held the same views he had held for eleven years, and "did not change as suddenly as they," Mr. Douglas expressed his willingness that his assailants might make their charges, and then he said: "I will fire at the lump, and vindicate every word I have said." Having used the expression that his assailants were disposed to "double teams" on him, both Davis and Clay retorted by telling him that he magnified himself, and that there were many who were willing to meet him "man to man," and that he had better despatch one first, before he talked of firing "at the lump."

Mr. Brown, seemingly emulous of his colleague, and anxious to rival him in the championship of the slaveholding cause, was more extreme in his opinions and extravagant in his demands. As if slavery were the chief interest and glory of the Republic, he seemed to regard the Constitution as mainly valuable for the protection it afforded the system; and white men as fulfilling their first duty by standing guard, lest slaves should escape. Not satisfied with its then present limits, with marauding spirit and intent, he did not hesitate to pro-

claim his wish and purpose to extend the area of bondage far beyond the lines that then restricted its presence, even until "the whole unbounded continent" should be covered thereby. And his actions corresponded with his sentiments. On the 18th of January he introduced into the Senate two resolutions; the first affirming the nationality of slavery; and the second declaring that the Territorial legislature should "enact adequate and sufficient laws for its protection," and, in default of such legislation, it then became "the admitted duty of Congress to interfere, and pass such laws."

Mr. Wilson, in reply, sketched the rise and progress of slavery in the colonies and the Union. He cited largely the opinions of the fathers and framers of the Constitution, both North and South, and showed their condemnation of it as being in itself exceptional, at war with the spirit and genius of free institutions, and destined, they hoped, to speedy decay and overthrow. He showed, however, the sad decadence of such sentiments, and the growth of the Slave Power, until, he said, it "holds this day the national government, in all its departments, in complete subjection," controlling Congress "with unbroken sway," bidding "the Supreme Court to utter its decrees, — and that high tribunal obeys its imperative commands," — and "holding the President in the hollow of its hand." He then showed, from abundant quotations, how widespread and rampant had become the sentiment of disunion. Unmindful, he said, of its name and early traditions, forgetful of its past record and utterances, "the American Democracy, led by slave perpetualists and propagandists, secessionists and disunionists, now, in the light of this age, stands before the nations the enemy of human progress, and in favor of the consecration and propagation of all abuses."

On the 2d of February, Jefferson Davis presented a series of resolutions. Their purport and purpose were to commit the Democratic party to the dogma that the Constitution carried and protected slavery wherever its authority extended. They were put forth as the enunciation of fundamental principles, on which the subsequent policy of the Slave Power was to be based. "I am not seeking legislation in these

resolutions," said Mr. Davis ; " I am but making great declarations on which legislation may be founded."

In the first three resolutions there was the assertion of certain general facts and assumptions on which rested the declarations embraced in those succeeding them,—that as slavery, in some of the States, was an important portion of their domestic institutions, all open or covert attacks designed for its injury or overthrow were a breach of faith ; that all attempts to discriminate in relation to persons and property in the Territories were to be resisted. On these was based the fourth, containing the gist of the series,—the key-stone of the skilfully constructed arch, the test of Democratic fidelity at that crucial hour of political trial,—that neither Congress nor the Territorial legislature " possesses power to annul or impair the constitutional power of any citizen to take and hold his slaves in such Territory." The fifth asserted that, if the Territorial governments should fail to render the proper protection, " it will be the duty of Congress to supply such deficiency." The sixth recognized the right of such Territories, when forming State constitutions, to be admitted into the Union with or without slavery, as they may elect. The seventh, and last of the series, asserted that the Fugitive Slave Act should be faithfully executed, and that all acts of State legislatures designed to nullify it, and laws made in pursuance thereof, were subversive of the Constitution, and revolutionary in their effect.

Mr. Davis made an elaborate speech, in which he explained and defended the " postulates " of the first three resolutions and the deductions of the remaining four. Describing his own position, he said : " I stand half-way between the extreme of squatter sovereignty and of Congressional sovereignty." He contended that the general government could grant no powers to the Territorial legislature which it did not itself possess ; neither could it " abdicate " or rightfully refuse to use any powers it actually did possess, or which had been conferred upon it by the Constitution. " Popular sovereignty," he contended, " was a delusion, at war with the provisions and requirements of the Constitution."



Mr. Douglas's speech, running through two days, was able, adroit, audacious ; overwhelming with its array of facts, bold and unsparing in its denunciations. He failed, indeed, in his purpose to hold back the Democratic party from following the extremists in their new departure, and from ranging themselves under the banner of the imperious Mississippian, the coming leader of the Southern confederacy, of whose birth these violent proceedings were the premonitory throes. But if he failed in that, he succeeded in convicting it, and in placing on record, too, the proof, of the most astounding political profligacy of which a great national party was ever guilty. His object, he said, was "personal defence," and not "the discussion of abstract theories of government, or of legal questions which have been lately forced on the Democratic party as political issues." And yet that "personal defence" became necessarily the political condemnation of the recreant organization, of which he had been a distinguished leader. Abundant materials, and every motive to use them effectively, drew from the Senator a most fearful arraignment of the party that was then threatening to add to its already blackened history a still darker page.

Before proceeding to vote, as they did on the 24th of May, Mr. Doolittle of Wisconsin and others announced their purpose to vote against the resolutions, because they condemned them as a series, though to some of them they had no objection. The vote on the first was thirty-six to nineteen ; the former all Democrats and the latter all Republicans. When the second was read, concerning and condemning "open or covert attacks" on slavery, Mr. Harlan offered an amendment, opposing any interference with the "free discussion of the morality or expediency of slavery"; but only twenty votes were recorded in its favor, and the whole resolution was then adopted by the same party vote. The third was adopted by the same vote in the affirmative, though but eighteen voted against it.

On the fourth resolution, denying the power of Congress to prohibit slavery in the Territories, there was more discussion. Mr. Clingman offered and defended an amendment affirming

that there was no need of legislation. To this Mr. Brown of Mississippi offered an amendment affirming that there was a necessity for such legislation. Upon these two amendments there was a running and exciting debate, which consumed the day.

In the course of the debate Mr. Lane of Oregon not only indorsed the resolutions as eminently proper, but he said they should have been adopted ten years before by the Democratic party; for all their trouble had arisen from its "dodging" the responsibility of deciding the question. Mr. Crittenden spoke of "the power of the Territories on the subject of slavery." His age and ability, his general reputation for honesty and personal probity, his long experience in public life, his apparent candor and courtesy of manner gave his words weight with all parties. On this occasion, though he proclaimed the most extreme sentiments, accepted the Dred Scott decision, avowed his purpose to support the resolutions, and spoke deprecatingly of the continued existence of the Republican party, because it was offensive to their "sister States," and calculated to "disturb the peace"; though he spoke as if there were no moral bearings in the slavery question and the public policy it demanded, yet he seemed so moderate in manner, so conciliatory in spirit, so patriotic of purpose, so eminently fraternal in feeling, that the temptation was strong, too strong for all to resist, to lose sight of the revolting doctrines he proclaimed in the dress in which they appeared, of the matter in the manner of his discourse.

Mr. Brown's amendment was then rejected, having received but five votes. Clingman's amendment was adopted, the Republicans voting for it. On the fifth resolution much discussion arose on an amendment, that it is not intended to provide a system of laws for the maintenance of slavery, in which Wigfall rebuked Clingman and Brown for their embarrassing interference, by which, he said, they were helping, unwittingly he hoped, "to bolster up a man who has deserted the principles of our party." Though Mr. Wade, speaking for the Republicans, counselled non-interference in the Democratic dispute, it was not in the nature of Mr. Hale to keep silent.



Accordingly he volunteered to speak for the Northern Democracy, especially for that of New Hampshire, and he assured the Texan Senator that he need not be afraid of any bad effects on that party of any resolutions however extreme. "I do not think," he said, "that you can pass any resolutions upon this subject of slavery that would stagger them in the least"; and not only that, but they would declare "that they had always been their sentiments." This was indeed the language of sarcasm, but the witty Senator gave expression, in this humorous way, to one of the saddest and most significant facts of American history. For it was true of the Democrats of New Hampshire — and in that regard they were not very unlike their brethren in all the Northern States — that it did make but little difference what they were called upon to indorse and support. It had become one of the political axioms of the day that the South controlled the politics of the country through its preponderating sway in the national parties. All indeed were not alike subservient; but the large majority of the leaders and the led succumbed. Though they admitted and felt the humiliation, they yielded to the dictation, because they regarded the question as narrowed to the alternative of so yielding, or of abjuring politics altogether, and thus sacrificing both personal preferment and party success. The South, they saw, was in earnest and unyielding; the North was not in earnest, but temporizing, and ever yielding. Of consequence the wishes of the former were heeded; those of the latter were not. Nor was this true of the Democrats alone. Not to the same extent indeed, but generally, the Whigs yielded to the same dictation. After disposing of one or two amendments the resolution was passed, thirty-five voting for it, only two voting in the negative.

When the sixth resolution was called up, Mr. Wilson moved to amend by striking out all after the enacting word, and inserting that slavery is against natural right, and can only exist by municipal law; that it is the duty of Congress to prevent its extension into the Territories. It, however, received but nine votes. The resolution was then adopted by a vote of thirty-three to twelve. The seventh was then agreed to, only



six Republicans voting against even this explicit condemnation of those States who had simply and only enacted laws for the protection of their own citizens.

Mr. Wilson then stated that Mr. Clingman's resolution having been adopted by the votes of Republicans, because they agreed with its declaration that there was no need of Congressional protection of slave property in the Territories; but, not wishing to be responsible for any portion of the series, he moved a reconsideration of the vote that adopted it. "I want," he said, "to wash my hands of all connection with any of these resolutions. Everybody knows that all of us on this side of the chamber are opposed to any slave code, now or at any future period, and under any possible circumstances." All the Republicans voting for the motion, the resolution was reconsidered and then rejected.

Thus did the Senate of this Republic, in abject obedience to the demands of the Slave Power, and under the lead of Jefferson Davis, place on record its most solemn and emphatic condemnation of the principles, not only of the ordinance of 1787, but of the Declaration of Independence,—the Magna Charta of the very government it was pretending to administer. Nor was this action simply negative. It was positive and prospective. By the solemnities of legislative enactment the Senate of the United States made public proclamation and pledge to make slavery and not freedom national, and its conservation the fundamental principle of all subsequent legislation and governmental policy.

## CHAPTER LIII.

### PROSCRIPTION, LAWLESSNESS, AND BARBARISM.

Disturbed condition of the South. — Methodist Church North in Texas. — Ministers expelled. — Indorsement of the religious press. — Rev. Solomon McKinney. — Banishment and memorial. — Rev. Daniel Worth. — Imprisonment and conviction. — Stone-cutter. — Rev. John G. Fee. — Berea. — Its success. — Settlement broken up and Fee banished. — Cassius M. Clay. — Case in Delaware. — Northern papers excluded from the mails. — Virginia law indorsed at Washington. — Violence in Congress. — Adams, Giddings, Lovejoy, and Sumner. — Lovejoy's speech. — Widespread demoralization.

THE proscription, lawlessness, and barbarism of slavery were the necessary conditions of its existence. Its essential injustice and inevitable cruelties, its malign and controlling influences upon society and the state, its violence of word and conduct, its unfriendliness to freedom of thought and its repression of free speech even in the presence of the most flagrant enormities, its stern and bloody defiance of all who questioned its action or resisted its behests, were specially manifest during the closing years of its terrible reign. Statutes, however severe, and courts, however servile, were not enough. The mob was sovereign. Vigilance committees took the law into their own hands, prompting and executing the verdicts and decisions of self-constituted judges and self-selected juries. Merchants on lawful business, travellers for pleasure, teachers and day-laborers, all felt alike the proscriptive ban. A merciless vindictiveness prevailed, and held its stern and pitiless control over the whole South. The privileges and immunities of citizenship were worthless, and the law afforded no protection. Southern papers were filled with accounts of the atrocities perpetrated, and volumes alone could contain descriptions of all that transpired during this reign of terror.

Illustrative of this inexorable intolerance and completeness

of subjection was the course pursued towards members of the Methodist Church North residing in Texas. Offended by their presence, the mob demanded not only the silence but the ejection of any ministers of its connection. They yielded to the menace, and this lawless action received the indorsement of the religious press. The Texas "Advocate," the organ of the Methodist Church South, urged "the thorough and immediate eradication of the Methodist Church North in Texas, with whatever force may be necessary." If such were the teachings of their religious journals, little surprise need be felt that the mob reigned, and reigned ruthlessly.

In the spring of 1860 Rev. Solomon McKinney, a Campbellite preacher, went from Kentucky to the same State. He was a Democrat, and believed that the Bible sanctioned slavery. In Dallas County, at the request of a slaveholder, he preached on the relative duties of master and slave. Though nothing very radical would be expected from one with his avowed belief, antecedents, and political affiliations, his utterances probably breathed too much of truth and of humanity for that meridian. A public meeting was held, and he was warned not to preach there again. Even his Southern opinions and Democracy could not save him. Heeding the warning, which he knew betokened extreme measures, in company with another preacher of the same denomination, he started for the North. But he and his companion were overtaken, carried back to Dallas County, and imprisoned. They were soon taken from the jail by armed men, and whipped with raw hides, receiving eighty lashes each, until their "backs were one mass of clotting blood and bruised and mangled flesh." In a memorial sent to the legislature of Wisconsin by Mr. Blount, the companion of McKinney, he made the singular statement that he had never preached against slavery, and that "for more than thirty years he had uniformly supported the Democratic party in both State and nation, and had sustained the views of that party upon the issues between the North and the South." As little creditable as was this statement to himself, it exposed with unmistakable clearness the intense intolerance of his persecutors, and revealed how much better the South loved darkness than light, and how dense that darkness must be.



Nor was Texas exceptionally intolerant. During the closing days of 1859 Rev. Daniel Worth, a minister of highly respectable family and position, an eloquent and popular preacher, formerly an inhabitant of Indiana and member of its legislature, was arrested in North Carolina for circulating Helper's "Impending Crisis." He was indicted, and committed to jail to await his trial in the spring. His bonds, placed at an unreasonable amount, he could not obtain, and he was consigned to a "cell wholly unsuitable for a person to live in, and his only bedding a dirty pallet"; and all this was for the alleged crime of circulating a book written by a Southerner, in the interests of the white man more than of the black, and devoted mainly to material rather than moral arguments against negro slavery. He was convicted, and sentenced to twelve months' imprisonment,—a sentence deemed too light by many, because, they said, he might have been "publicly whipped," according to the law.

Nor was there respect of persons. The day-laborer, no less than the minister, must be silent before this imperious Power. A young Irishman, a stone-cutter, at work on the State House of South Carolina, dropped the casual remark that "slavery caused a white laborer at the South to be looked upon as an inferior and degraded man." This simple expression of a truth known to all, and deeply appreciated by himself, gave mortal offence, and he was at once seized, thrust into jail, taken out and dragged through the streets, tarred and feathered, and then, without other clothing than a pair of pants, put into a negro car for Charleston, whence, after a week's imprisonment, he was banished from the State. And he, too, could urge, though without avail, in extenuation of his conduct, that he had "always voted the Democratic ticket."

Among the few antislavery men afforded by the South was Rev. John G. Fee of Kentucky. A strictly religious and conscientious man, he hated slavery, and would rid his beloved commonwealth of its guilt and damage. Not content with simply enunciating the doctrines of freedom, he would exhibit to his fellow-citizens their practical workings when brought to the test of fair experiment. With others of similar character

and purposes, he established a colony, or community, in one of the counties of the State. Beside the church there were a large and flourishing school and a steam saw-mill. These appliances, and the good character, industry, and thrift of its inhabitants, produced their natural results. Intelligent and moral, industrious and law-abiding, being punctilious even in their purpose to "submit to every ordinance of man for the Lord's sake," the people of Berea made it a marked neighborhood, extorting from a leading and intelligent slaveholder the encomium that "it was the best he had seen in all Kentucky." But no fidelity as citizens, no caution, no unobtrusiveness, could hide their success. Their virtues became trumpet-tongued; their very reticence was eloquent; and the light of that little community made the surrounding darkness more hideous and dense. The slaveholders saw it, winced under the rebuke thus quietly bestowed, "felt how awful goodness is," and determined that that light should be extinguished, and that condemning voice should be silenced. A meeting was held, at which it was resolved to expel them from the State; and a committee of sixty-five, "representing," it was said, "the wealth and respectability of the county," was intrusted with the cruel task of breaking up their homes and banishing them therefrom; not because they had broken the laws, for it was admitted that they had not, but because, as alleged, their "principles were opposed to the public peace." They appealed in vain to the governor for protection, but were advised by that official, "for the sake of peace," to leave the State. This they did without resistance, "preferring exile," it was said, "with the silent preaching their absence would furnish, to the shedding of blood." Similar demonstrations were made in two other counties, for similar reasons, and with like results. The ostracized took legal counsel, and received for advice that, though they could oppose force to force, it was expedient that they should leave. They did; the school-house was closed, the steam-mill was dismantled, and again "order reigned."

The same intolerance and impatience of rebuke, however considerate and qualified, were exhibited towards Cassius M.



Clay. Though his views were so moderate, and he made so many admissions that Abolitionists criticised him sharply for his want of sympathy with Mr. Fee and his associates, yet, being opposed to slavery, and a Republican, it was resolved that he, too, must leave the State, or at least he must cease his opposition. And this was put on the ground that it was of little use "to drive out Fee and his companions while Clay was left to agitate the country." But his talents and eloquence, his high social position, his recognized courage and defiant attitude, and above all, no doubt, the growing power of the Republican party, induced his persecutors to desist, and their threats were not carried into execution.

Even in Delaware, so far north and so little interested in slavery as almost to be called a free State, a similar hostility was exhibited to freedom of speech and a free press. In Milford, where was published a Republican paper, a town-meeting was held to "consider what course should be taken to suppress the 'incendiary sheet'"; and, in addition, it was also determined to suppress it by violence. But the mob, assembled for that purpose, encountered so determined and well directed a resistance, that it slunk away with its object unaccomplished; and the brave editor, Dr. John S. Prettyman, had the satisfaction of recording, the next year, the vote of the town for Lincoln and Hamlin.

Nor was it enough to banish a free press. Everything Northern that breathed of freedom and humanity must be barred out. Even the mails, that should ever be inviolable, sacred to friendship and business, and devoted to the diffusion of knowledge, were rifled and their contents pillaged. Whatever called in question either slavery or its laws was pronounced "incendiary," and its exclusion from the mails was demanded, though to do it clothed every petty postmaster with the hateful right of espionage and the authority to exclude whatever in his judgment was thus prohibited. The laws of Virginia recognized this right and clothed him with this authority. They also empowered any justice of the peace to "burn publicly" any such condemned matter, and to commit to jail any one knowingly subscribing for and receiving it. These laws were



pronounced "constitutional" by the attorney-general of Virginia, and, also by Caleb Cushing, Attorney-General of the United States, under Mr. Pierce's administration. Concerning them, too, Judge Holt, Postmaster-General under Mr. Buchanan, said that this opinion had been "cheerfully acquiesced in by this department, and is now recognized as one of the guides of the administration." Nor were these laws in any manner a dead letter; but, during the closing years of this terrible rule, they were rigorously enforced. Few Northern journals were allowed circulation, except, it was said, organs of "proslavery diabolism and proslavery piety."

The same spirit pervaded the halls of national legislation. From the time of Franklin's memorial to the 1st Congress calling upon the government "to step to the very verge of its power" to discourage the slave-traffic, when, in the words of Hildreth, the slaveholders poured out "torrents of abuse" upon the Quakers and Abolitionists who had signed it, to the close of the conflict, violence characterized the course of the advocates and defenders of slavery. Whoever opposed its rule were assailed with ferocity and vindictiveness, not always confined to words. These assailants, in the language of Mr. Sumner, "became conspicuous, not less for the avowal of sentiments at which civilization blushed, than for an effrontery of manner when the accidental legislator was lost in the natural overseer, and the lash of the plantation resounded in the voice." "Insult," said John Quincy Adams, more tersely, "bullying, and threats characterized slaveholders in Congress."

The venerable Adams was threatened with the "penitentiary," and the avowal was made that he must be "silenced." The ever-faithful but fearless Giddings was assailed by brutal and indecent words, and menaced with bludgeon, bowie-knife, and revolver. Mr. Sumner, for words spoken in debate, was smitten down in his place, and his blood stained the floor of the Senate chamber. At a later date, in the spring of 1860, when the hosts were gathering for the Presidential conflict of that year, Owen Lovejoy, addressing the House, standing in front of the Speaker's chair, was rudely and fiercely inter-

rupted by Southern members, who crowded around him with menacing attitude and gesture. He spoke indeed with the fiery and uncompromising earnestness which the strong convictions of such a man and his terrible experience could not but beget, as he stood up in that infuriated presence to "vindicate the principles baptized in the blood" of his martyred brother, twenty years before, on the banks of the Mississippi. Maddened by his faithful portrayal, they revealed by their language and manner their principles and purposes of action. Stigmatizing him with rude and vulgar words, as "a black-hearted scoundrel and nigger-stealing thief," as "an infamous and perjured villain," as "a mean and despicable wretch," they ejaculated the threat, in the words of Martin of Virginia: "If you come among us, we will do with you as we did with John Brown, — hang you up as high as Haman."

These few examples illustrate, too faintly perhaps, the proscription, lawlessness, and barbarism of slavery, especially during the closing years of its domination. By them the "Sunny South," as its partial friends were fond of calling it, was transformed into a land of darkness and moral desolation, of social and political unrest. They had also been the school where were learned the lessons that were practised with such fearful effect at Belle Isle, Salisbury, and Andersonville. From them resulted, too, that widespread demoralization, individual and social, revealed by the Rebellion, which was a surprise to the oldest and most radical abolitionists, who found that even they had not accurately gauged the monstrous iniquity, or fully fathomed the depths of American slavery.

## CHAPTER LIV.

### DEMOCRATIC NATIONAL CONVENTIONS OF 1860.

Epoch in the history of the Slave Power. — Reckless course of the leaders. — Mr. Douglas. — His deposition determined upon. — Convention assembled. — Caleb Cushing made president. — His address. — No compromise possible. — Reports of committee on the platform. — Report of majority, and speech of Mr. Avery. — Minority report, and speech of Mr. Payne. — Butler's report. — Violent debate. — Disorder. — Significant admission of the president. — Representative speeches of Yancey and Pugh. — Filibustering. — Votes on the platform. — Friends of Mr. Douglas victorious. — Seceding delegations. — Reasons assigned. — Speech of Mr. Glenn. — Position and speeches of those who did not secede. Popular demonstrations. — Meeting of seceders. — Two-thirds vote required. — Ballotings commenced. — Fifty-seven. — Adjournment to Baltimore. — Hesitation. — Reassembling. — Still divided. — Contesting delegations. — Speeches of Ewing, Loring, Hallett, and West. — Embarrassments of Northern Democrats. — Unequivocal indorsement of the Dred Scott decision. — Purposes of Southern leaders. — Report of committee on credentials. — Another secession of delegates. — Speeches of Smith, Butler, and Soulé. — Party hopelessly disrupted. — Douglas nominated. — Meeting of seceders. — Breckinridge and Lane nominated. — Nomination adopted by the seceding convention at Richmond.

THE Democratic national convention of 1860 was memorable, not only on account of its disastrous influence on the subsequent fortunes of the party, but because it marked an epoch in the history of the Slave Power. It was the culmination of the irrepressible conflict, the turning-point in the tide of oppression which had flooded the land for so many years, and which from that hour began to subside. It closed the era of compromises, and was the beginning of the end of that ill-starred ascendancy which had transformed the self-government of freemen into the hardly disguised despotic control of an oligarchy, contemptible in point of numbers, and more contemptible in the spirit, purposes, and means of its long-continued and fearful domination. The Slave Power went into that convention master of the situation, with the prestige of almost uninterrupted victories on its banners, in



possession of every department of the government, having, too, a majority of hundreds of thousands in the popular vote at its command; and yet it recklessly abandoned its vantage-ground, threw away the sceptre it had so long and so remorselessly wielded, and with suicidal hands began the work of its own destruction.

The precise and particular point of interest, the question that distracted and at length divided the convention, was that of nominating Mr. Douglas as the Democratic candidate in the pending canvass. His acknowledged ability, his prominence in the party, his leadership in the Kansas-Nebraska struggle, his long and loudly proclaimed Southern proclivities, all pointed to him as the Democratic standard-bearer in the coming strife. But with all his devotion to Southern interests, his record was not sufficiently clean to satisfy their exacting demands. He had faltered, and for once had failed to come up to their full measure of fealty upon the Leecompton issue; and it became an unpardonable sin, not to be forgotten or forgiven. Though consistency, the instinct of self-preservation, and a wise regard for the preservation of his party's ascendancy in the Northern States demanded this course, Mr. Douglas was made the victim of the most unrelenting opposition, and that from the very men for whom he had made the greatest sacrifices. Indeed, the slave propagandists, for the time, seemed to forget their chronic hatred of the Abolitionists in their more acute and violent hostility toward him, and in their determination to defeat his nomination for the Presidency. That they were unwisely violent, that their vaulting ambition o'erleaped itself, and that they themselves inflicted fatal wounds upon their own cause, which no opposition then organized could have done, are matters of general belief, if not of historic record. But in all this there was nothing new, or without precedent. History is full of such mistakes, such follies, examples of like judicial blindness,—illustrations of the classic adage, that whom the gods mean to destroy they first make mad.

The convention met in the city of Charleston, on the 23d of May, 1860. Every State was represented, while New

York and Illinois appeared with two contesting delegations. These rival claimants did but intensify the excitement, already great, and add fuel to a flame that was already burning fiercely. By design or otherwise, these two sets of delegates from the two States were respectively for and against Mr. Douglas. Their papers were referred to the committee on credentials, which reported in favor of the friends of Mr. Douglas from both States, thereby increasing his chances for success.

Caleb Cushing of Massachusetts was made permanent president of the convention. In his speech on taking the chair, under the usual platitudes of the Democratic party, which he represented as "the great party of the Union, whose proud mission it has been, whose proud mission it is, to maintain the public liberties, to reconcile popular freedom with constituted order, to maintain the sacred reserved rights of the sovereign States, to stand, in a word, the perpetual sentinels on the outposts of the Constitution," he defined his position as that of no sympathy with "the faction and fanaticism" of either extreme, which "would hurry our land on to revolution and to civil war." His speech was a plea for the Union, with the promise and prediction that the party would maintain it; as it was its mission, he said, "to strike down and to conquer" "the branded enemies of the Constitution." But he gave no counsel, and shed no light upon the great practical, crucial problem of the hour, which was not so much how the irrepressible conflict could be composed while the parties, without substantial change of sentiment or purpose, remained,—how the Union could be preserved while slavery, like a dividing wedge, was ever riving it in two,—how peace could be maintained while everything tended to war,—but, the rather, how the Democratic party could pursue two courses in opposite directions at one and the same time, and how maintain its newly proclaimed doctrine of popular sovereignty, and the still newer doctrine that the Constitution carried slavery wherever its power was known or acknowledged. On that question Mr. Cushing was wisely silent, for there was no satisfactory answer to be given. The only practical answer was that the one or the other wing

of the party must yield, or that it must divide, as the result proved, and as might have been foreseen from the outset. Indeed, Mr. Douglas was destined to furnish in his own person a notable example of the principle Mr. Lincoln so clearly announced, and which he so sturdily denied, that the Union could not remain "half free, half slave." The matter had advanced too far for compromise. Neither party could compromise without self-stultification, or, at least, a self-abandonment too great for the temper of the times. "It is indeed ridiculous and absurd," said one writing from the convention, "for this body of delegates to be pretending to agree on a platform, when the whole country, themselves included, know well their disagreements are radical and absolute."

On the 24th a committee on resolutions and platform was appointed; but it was not until the 27th that it was ready to report. On that day there were presented a majority report, two minority reports, and a series of resolutions. The report of the majority was presented by Mr. Avery of North Carolina. The principal minority report was presented by Mr. Payne of Ohio, signed by the members of all the free States except California, Oregon, and Massachusetts. Benjamin F. Butler of Massachusetts presented another minority report which consisted mainly of a reaffirmation of the Cincinnati platform and the assertion that Democratic principles are "unchangeable." In addition to these Mr. Bayard of Delaware presented a series of resolutions.

The gist of the majority report on the slavery question was thus expressed: "That Congress has no power to abolish slavery in the Territories; That the Territorial legislature has no power to abolish slavery in the Territories, nor to prohibit the introduction of slaves therein, nor any power to destroy or impair the right of property in slaves by any legislation whatever." In addition, it affirmed the duty of the government "to protect the rights of person and property on the high seas"; which last specification was believed to be intended to cover, or include, the principle of protecting the slave-trade. Mr. Avery, in his speech explaining his report,



said: "We demand at the hands of our Northern brethren upon this floor that the great principle we cherish should be recognized." The adoption of the popular sovereignty doctrine, he said, "would be as dangerous and subversive of their rights as the adoption of the principle of Congressional intervention or prohibition." And he honestly admitted that, in a contest for the occupation of the Territories, "the Southern men, encumbered with slaves, cannot compete with the Emigrant Aid Society at the North." Concerning "the true construction of the Cincinnati platform," he contended that it did not involve the doctrine of popular sovereignty, and was not even "ambiguous." But if ambiguous, he wanted "no more doubtful platforms," but that "the convention take a bold, square stand."

The principal minority report reaffirmed the Cincinnati platform, declared that all rights of property are judicial, and that the Democracy pledge themselves to defer to the decisions of the Supreme Court on the subject. It also pronounced all State resistance to the Fugitive Slave Law "revolutionary and subversive of the Constitution." In his speech in explanation, and in reply to Mr. Avery and the majority report, Mr. Payne spoke at great length. Referring to the Cincinnati platform, he said it meant "non-intervention by Congress with the question of slavery, and the submission of the question of slavery in the Territories, under the Constitution, to the people." Concerning its alleged ambiguity, he said "he could prove from the Congressional debates that from 1850 to 1856 there was not a dissenting opinion expressed in Congress on this subject." This he proceeded to do by copious extracts from the speeches of Howell Cobb, John C. Breckinridge, James L. Orr, Alexander H. Stephens, Robert Toombs, and others, all agreeing in the principle expressed by Mr. Breckinridge, that "the people of each Territory shall determine the question for themselves," and be admitted into the Union "without discrimination on account of the allowance or prohibition of slavery." Mr. Butler presented for his report, as he expressed it, "the Cincinnati platform, pure and undefiled," accompanying it with an incisive speech, dissecting both re-

ports and pointing out their untenable positions and their departures from the old faith of the Democratic party.

The debate to which these reports and the speeches introducing them gave rise was violent in both matter and manner. It was indeed the shock of battle, for which everything up to that time had been preliminary, the gathering and arming of forces, the mere skirmishing of outposts. It was not as sanguinary as the later battles of Chancellorsville and the Wilderness, of Gettysburg and Pittsburg Landing, but it was a part of the same conflict, equally determined and defiant. Nor was it indeed a mere war of words. There were other demonstrations which better betokened the spirit that ruled than any spoken language of the debate. What they were may be gathered from the following words of the chairman. After calling in vain for order, and declaring that it was "physically impossible for the Chair to go on in a contest with six hundred men as to who shall cry out loudest," Mr. Cushing said: "The Chair begs leave to report that he knows of but one remedy for such disorder, and that is for your presiding officer to leave the chair."

During this and the following day the debate raged, in connection with motions for recommitment, independent resolutions, and other conflicting propositions. Prominent among the speakers, as representing the two parties of the convention, were Mr. Yancey of Alabama and Senator Pugh of Ohio. The former, speaking for the propagandists, appealed to the Southern men to stand firm and united in favor of their rights, and for a platform that had no ambiguity and was unequivocally committed to their views and interests. "Defeat," he said, "upon principle is better than a mere victory gained by presenting ambiguous issues and cheating the people." He admitted, unlike the chairman who made the majority report, that the South did demand of the Northern Democracy "an advanced step in the vindication of Southern rights." His speech was long and eloquent, working the Southern members up to a high state of excitement and of enthusiastic feeling. Mr. Pugh responded immediately, vindicating the views and defending the position of the

Northern Democracy. To the new demands he interposed an emphatic denial. "Gentlemen of the South," he said, "you mistake us, you mistake us; we will not do it."

The next, or the 28th, was a wild and excited day. As if reports of committees revealing the utter hopelessness of agreement, independent and conflicting resolutions, telegrams flying in hot haste to and from Washington, speeches and excited colloquies, were not enough, filibustering was added to the other sources of discord and confusion. It was generally understood that the minority report would be accepted by the convention, and consequently the friends of Mr. Douglas were anxious to press it to a vote, while his enemies were equally anxious to stave it off. This they did in the vague hope that something might intervene to improve their chances and position, in case of the open rupture upon which they were fully determined, should their demands be rejected. They were so far successful as to secure an adjournment until the 30th, when it was agreed that a vote should be taken.

The first vote on the 30th was on Mr. Butler's motion to substitute the Cincinnati platform for the minority report presented by Mr. Payne. This was rejected by a vote of one hundred and five ayes to one hundred and ninety-eight nays. The motion to substitute the principal minority report was then carried, by a vote of one hundred and sixty-five to one hundred and thirty-eight. This vote not only enunciated the platform of the party, but it revealed the strength of Mr. Douglas in the convention. It was regarded, too, by the propagandists as a defeat, and became at once the signal of the disruption of which it was announced as the provoking cause. The delegation from Alabama immediately handed in a protest, signed by all its members, announcing their retirement, with the reasons therefor. From this it appeared that the State convention, which gave them their appointment, and at which were adopted resolutions embodying, with precise and comprehensive statement, the principles of the Dred Scott decision, instructed them to retire in case these principles should fail of receiving the indorsement of the party. As they had thus failed, the contingency provided for had hap-



pened, and they had no election but to retire. "The points of difference between the Northern and Southern Democracy" they specified to be two,— "as regards the *status* of slavery in the Territories and the power of people concerning it; and as regards the duty of the Federal government to protect the owner of slaves." They were followed by the delegations from Mississippi, Florida, Texas, Louisiana, excepting two, South Carolina, excepting three, three from Arkansas, ten from Delaware, including Senator Bayard, and one from North Carolina. All these resignations were made for substantially the same avowed reasons, though couched in different language, and accompanied with speeches delivered with great earnestness and emotion, and generally deprecatory of what they declared to be the unjust and unwise course of the majority which rendered such a disruption inevitable.

The debate was remarkable for the conflict of feeling, as well as of opinion and purpose, it evinced. There was a strange mingling of confidence and hesitation, of pathos and passion, of patriotism and partisanship. The extremists were too fully committed to retreat, and yet they shrank from the final consummation. The disunion they had depicted in such glowing colors, when contemplated as a theory or at a distance, lost some of its roseate hues when looked at as being on the eve of immediate consummation. There was, indeed, a good deal of boasting and bravado, vamping and shallow declamation, which appears ridiculously enough in the light of subsequent history. And yet there were earnest and eloquent men, who were enthralled in the toils of a false philosophy, committed to a vicious system, and who unexpectedly found themselves where they had never been before, and that was where the hitherto obsequious North refused to follow, and where they felt called upon to make good their words. It was a sudden emergency, for which they were prepared, at best, only in a general way, and it was not strange if they talked wildly, and used words that will not bear very close scrutiny. As usual, they were full of complaints against the North, not now the "black Republicans," but their recusant Democratic brethren.

Among the most eloquent and telling speeches of the occasion was one made by Mr. Glenn of Mississippi. After affirming that their action was not hasty, but deliberate, he said it must be "maintained at all hazards." Complaining of the alleged ambiguity of the Cincinnati platform, and of the fact that by the adoption of the minority report their Northern brethren had just announced their purpose not to concede to them their rights, he contended that it was right for them to part, though he predicted that in less than sixty days there would be "a united South." But he warned them that they were driving off those they most needed, and that without their aid they could not fight successfully their battle with the black Republicans. "There slumbers in your midst," he said, too, "a latent spark, not of political sectionalism, but of social discord, which may yet require the conservative principles of the South to save your region of country from anarchy and confusion."

But there were others who, though avowing sympathy with the seceders, hesitated and shrank from the extreme measure. Wisely concluding that the disruption of the Democratic party was tantamount to the defeat of their ever-faithful ally, they concluded to remain, that they might avert the coming calamity, and prevent the nomination of Mr. Douglas. Mr. Cohen of Georgia expostulated with the members still remaining not to persist in the policy that had already sent off so many, and which must result, unless abandoned, in the destruction of both party and the country. "I will stay here," he said, "until the last feather be placed upon the back of the camel." But if, he added, that conciliation cannot be secured, "I shall then be found shoulder to shoulder with him who is foremost in the contest." Mr. Flournoy of Arkansas expressed a similar determination in nautical phrase. "My voice," he said, "is, 'Never give up the ship,' though the fearful storm rages around us. I will, until the noble vessel be swallowed up by the devouring waves, unite in the reiterated cry of 'Live, live the Republic.' " And yet he would show himself "above suspicion" by affirming his belief that slavery was "a patriarchal institution," and that all he had was "the product



of slave labor." Mr. Gaulden of Georgia announced himself as a slaveholder, and also an advocate for the opening of the African slave-trade, as the only effective remedy for the evils of which the South complained; and in this he looked for help to the Northern Democracy. He made the unanswerable statement that the domestic slave-trade of Virginia was more inhuman and unchristian than the African, because the latter, he said, took a savage from a heathen land and brought him to a Christian land, and gave him a better chance for life.

But the seceders, with whatever of hesitation or misgiving they took the extreme course of disruption, were strengthened by the most extravagant outside demonstrations of popular approval, from the citizens of Charleston. In the evening after the disruption, a mass meeting was held in front of the court-house, which was addressed by Lamar of Mississippi and Yancey of Alabama, both able and adroit speakers. The latter styled the convention, still in session, the "rump convention," — speedily to become a "sectional convention," — "a faction of the free soil sentiment of the North." "Even now," he said, "perhaps the pen of the historian is nibbed to write the story of a new revolution." Three cheers were given for the "independent Southern republic," and everything was jubilant as if some great good and crowning glory had been achieved. The seceders met in separate convention in St. Andrew's Hall, and organized by choosing Senator Bayard of Delaware president. After a session of four days it adjourned to meet in Richmond on the second Monday of June. The two days occupied by these resignations, and the words and actions to which they gave rise were days of unparalleled excitement and disorder. A motion, made by Mr. Howard of Tennessee, that "two thirds of full convention" — as if no resignations had taken place — should be necessary to a nomination, became the occasion of an angry and disorderly debate. But it was finally adopted, to the chagrin and discomfiture of Mr. Douglas's friends, who knew they could not command so large a vote.

Near the close of the ninth day of the convention, a vote



was reached. It resulted in one hundred and forty-five and a half votes for Mr. Douglas, thirty-six and a half for James Guthrie of Kentucky, seven for Daniel S. Dickinson of New York, forty-two for R. M. T. Hunter of Virginia, twelve for Andrew Johnson of Tennessee, and eleven scattering votes for four other individuals. There were eleven other ballotings, without material change, except that on several Mr. Douglas reached one hundred and fifty and a half. The next day the ballotings were resumed, and they continued until there had been fifty-seven, Mr. Douglas reaching one hundred and fifty-two and a half, a clear majority of the electoral college. This, for the moment, inspirited his friends, but his enemies were implacable, and the convention had become weary, as one member expressed it, of thus "voting like a machine." A kind of truce was agreed upon, and a motion was made, which, after much discussion and many proposed amendments, was adopted, to adjourn the convention to meet in Baltimore on the 18th of June. The president, in a few conciliatory and well-chosen words, still pleaded for the union of the party and the union of the States. He expressed his earnest disbelief that "this great Republic is to be but a name, a history of a mighty people once existing, but existing no longer save as a shadowy memory or as a monumental ruin by the side of the pathway of time"; but the rather he trusted that it would endure, "like the bright orbs of the firmament, which roll on without rest because bound for eternity, without haste because predestined for eternity."

This adjournment, the special work for which the convention was called remaining unaccomplished, was reckless and revolutionary, and betokened the desperate straits of the party, and of its factions as well. It revealed a reluctance to meet the consequences of the different courses determined upon, to accept the practical conclusions of premises they had been so ready to assume, and to stand in the positions they had been led to occupy. It was, at least, the putting off the evil day they saw approaching, conjoined with the purpose and hope, if the disruption already begun should become complete, of profiting by any mistakes their adversaries might

make, of improving the chances of party warfare, which the new circumstances and new combinations might develop.

On reassembling in Baltimore, it was found that neither the intervening time nor any efforts at conciliation had greatly modified the condition of affairs or mollified the tempers of men. Indeed, they had, the rather, been exasperated thereby, and the breach had been widened. This result was particularly apparent from a debate which had taken place in the Senate, and in which Douglas and Pugh, Davis and Benjamin, had expressed and enforced their respective and peculiar views. The great bone of contention at Charleston, the platform, had been removed ; but the same conflict reappeared in the debate on the question of membership. In the resolutions for adjournment at Charleston it was " recommended to the Democratic party of the several States to make provision for supplying deficiencies." But it was found that there had been no uniformity in the action of the seceding States ; that from some there were contesting delegations ; and that in Georgia, Alabama, and Louisiana the friends of Mr. Douglas had secured delegations friendly to him. The whole subject was referred to the committee on credentials. There were three reports ; one, however, signed by a majority. The latter, which admitted the new or Douglas delegates from Alabama and Louisiana, was adopted, and improved, of course, the chances of that gentleman for the nomination, and became at once the occasion of an excited and acrimonious debate. The vital question was whether or not those who had seceded should return. Some of the friends of Mr. Douglas expressed their unwillingness that they should, unless they would pledge themselves to abide by the action of the convention. The old plea of conciliation was again the recourse of his opposers. The seceding States, it was contended, and the seceding delegates should be welcomed back. " Have you any States to spare ? " asked Mr. Ewing of Tennessee. " Have you any States to give up ? We are pursued in front by a remorseless enemy, advancing step by step, squadron by squadron, until the field is almost irretrievably lost, and yet from all quarters come exclamations of bitterness and words that burn, to open the

breach in our ranks wider and wider." George B. Loring of Massachusetts pleaded earnestly and eloquently for their admission, and begged the convention "to interpose no obstacle, but to invite and assist them to come back." Mr. Hallett from the same State appealed to New York to save the country. We have severed ourselves, he said, from eight, and now we are about to strike a blow that will send off the other seven of the Southern States. "And then," he asked, "what is the convention? Nay, what is the great Democratic party of the Union? Nay, in God's name, what is the Union itself?" Mr. West of Connecticut well represented the difficulties into which these Southern demands were placing Northern Democrats. "If you are determined," he said, "to rend this party and the Union, our homes amid the hills of New England are as safe and sacred as yours upon your sunny plains around you. And we simply ask you that you shall not take a position which shall be tantamount to absolute ruin when we return to our constituents. As to your taunts and threats, we heed them not."

These words of the Connecticut member very well defined the position of Mr. Douglas and his friends in the convention. What they dreaded, what they were compelled to avoid, was this very "absolute ruin" at home. "To submit to these new demands of the Slave Power was "tantamount to absolute ruin" when they returned to their "constituents." The "taunts and threats" they could disregard, as they did all consistency and the moral aspects of the great issue, accepting, as the creed of the party, even in the report presented by Mr. Payne, under the euphemism that the rights of property are "judicial in their character," the baldest doctrines of the Dred Scott decision. The same, too, was more unequivocally announced in the almost unanimous vote subsequently given by the convention, in support of a resolution offered by ex-Governor Wickliffe of Louisiana, pledging the party to accept the decision of the Supreme Court as the same "has been or shall hereafter be finally determined" by it, — a sentiment which General Butler declared at Charleston to be "enough to make the bones of old Jackson rattle in his coffin," — a senti-



ment, too, which, as the Supreme Court was then constituted, and according to its decision already announced, differed in no appreciable degree from the majority report which was defeated at Charleston.

Why Mr. Davis and his friends were willing to accept the one and not the other, and why the propagandists were willing to rend the party for a distinction without a difference, are among the inscrutable mysteries that can be solved on no recognized principles of human conduct, unless, on the part of the former, it is referable to that political legerdemain, not infrequent, by which men seek by indirection what they fail of securing openly. Why the latter were willing to destroy the party that had always been its subservient tool, the sheet-anchor of its hopes, now that the storm beat most heavily and the dangers which menaced them were assuming their most threatening aspect, can be satisfactorily explained only on the supposition that there were other than human agencies at work, and that a mightier Hand than man's was moving among the discordant elements and clashing forces of that mad hour.

But the die was cast. The fiat had gone forth, and the great Democratic party, with all its prestige of past victories on its banners, and in the plenitude of its power, was to be dismembered. The adoption of the majority report from the committee on credentials became the signal of a rupture similar to that which had taken place at Charleston. The entire delegations of Virginia, North Carolina, Tennessee, California, and Delaware, and portions of Maryland, Kentucky, and Massachusetts, withdrew. These withdrawals, and a motion to proceed to a vote, became the occasion of demonstrations more violent and discreditable than any that were made at Charleston. Mr. Smith of California said: "California is here with melancholy face, California is here with a lacerated heart, bleeding and weeping over the downfall and the destruction of the Democratic party, — yes, sir, the destruction of the Democratic party, consummated by assassins now grinning upon this floor." Mr. Butler said: "I will not sit in a convention where the African slave-trade — which is piracy by the laws

of my country — is approvingly advocated.” Mr. Cushing resigned his seat as chairman, “in order,” he said, “to take my seat on the floor as a member of the delegation of Massachusetts,” and because “his action would no longer represent the will of the majority.” Pierre Soulé of Louisiana, who still clung to Douglas, was terribly severe upon the seceders, and spoke of the “unrelenting war” against him “by an army of unprincipled and unscrupulous politicians.”

A vote was at length reached, and Mr. Douglas received all the votes cast but thirteen, and was declared the Democratic candidate for the Presidency. For Vice-President it selected Benjamin Fitzpatrick of Alabama, a gentleman unreservedly committed by his votes and declared opinions against the doctrine of popular sovereignty, and in favor of that of Congressional intervention, even voting, a few days before his selection, in the United States Senate for the extreme doctrines of the Davis resolutions. He, however, declined, spurning the proffered honor, preferring to remain in form with the section where his interests and sympathies really lay. The national committee then, in consultation with Mr. Douglas himself, selected Herschel V. Johnson of Georgia as candidate for the same office, — a gentleman, if possible, more fully committed, by past declarations, acts, and affiliations, to the extremest of Southern dogmas, having declared that “capital should own labor,” that property in slaves was as sacred and inviolable as any other; and that “neither the general government nor any Territorial government can impair the right to slave property in the common Territories.” Surely the annals of political contests will be searched in vain for more marked examples of party profligacy and absolute insincerity than were here revealed, especially in the selection of the two gentlemen chosen as candidates for the Vice-Presidency, men in full and avowed accord with the extremest doctrines maintained by the most violent of the seceders. They who went into the conflict of 1860 with “popular sovereignty” flaunting on their Northern banners, the ringing watchwords of their Northern speeches, but with such admissions in their resolutions, and with such a candidate for the second office, richly merited what they received, a crushing defeat.

The seceders and the delegations of Louisiana and Alabama, who had been refused admission, met at the Maryland Institute on the 28th of June. There were twenty-one States represented. Caleb Cushing was chosen president. The delegates from South Carolina and Florida who had been accredited to the Richmond convention were also admitted. A committee of five, Mr. Cushing chairman, was chosen to prepare an address on "the principles of the party." The resolutions offered by Mr. Avery at Charleston were unanimously adopted. John C. Breckinridge of Kentucky, and General Joseph Lane of Oregon, were then unanimously adopted as candidates for President and Vice-President, and the convention adjourned.

In the mean time the seceding convention at Charleston had held its adjourned meeting at Richmond on the 12th. It adjourned to the 21st, and then continued to meet and adjourn from day to day, awaiting the action of the Baltimore seceding convention. After the action of the latter, it adopted its platform and candidates, and adjourned *sine die*.



## CHAPTER LV.

### CONSTITUTIONAL UNION AND REPUBLICAN CONVENTIONS, AND THE PRESIDENTIAL ELECTION OF 1860.

“Constitutional” convention. — No platform. — Candidates. — Speeches of Lee, Hillard, and Brooks. — Republican convention. — Platform. — Amendment. — Names for candidates proposed. — Seward and Lincoln. — Seward leads. — Strong fight against him. — Lincoln selected. — Hamlin for Vice-President. — Great enthusiasm. — Friends of Seward disappointed. — Canvass. — Men engaged. — Prominent part of Mr. Seward. — “Radical” and Garrison abolitionists. — Their course. — Breckinridge and Lane occupy extreme Southern ground. Equivocal and inconsistent position of Douglas and Johnson. — Bell and Everett. — Antecedents and position. — Congressional debate. — Heated contest. — Combinations in several States. — Douglas concedes Lincoln’s election. — His fealty to the Union. — Visits the South. — Responses to questions. — Mobile “Register.” — Eminent Republicans engaged in the canvass. — Remarkable speeches of Mr. Seward. — Advanced ground. — Speech to his neighbors. — Canvass closed by Lincoln’s election. — Votes. — Lincoln in a minority. — Victory, though incomplete, a great advance for the cause of freedom. — Slaveholders’ view.

THE Constitutional Union National Convention met at Baltimore the 9th of May. John J. Crittenden called it to order, and Washington Hunt of New York presided. A platform, reported by Joseph R. Ingersoll of Pennsylvania, affirming that experience had demonstrated that platforms adopted by partisan conventions had the effect to mislead and deceive the people, declared it to be the part of both patriotism and duty to recognize no political principles other than “the Constitution of the country, the Union of the States, and the enforcement of the laws.” John Bell received the nomination for President on the second ballot. Mr. Henry of Tennessee, a grandson of Patrick Henry, in behalf of his State, responded, paid a glowing tribute to the character of the nominee, and spoke eloquently for the Union. The eloquent grandson of the great orator of the Revolution, while he was pouring his glowing words into the enraptured ears of the applauding con-

vention, little dreamed that in a few brief months, in obedience to the demands of the Slave Power, he would be found consorting with secessionists and disunionists, in the rebel Congress, for the disseverance of that Union.

Edward Everett was then nominated for the Vice-Presidency. George S. Hillard, gracefully responding in behalf of Massachusetts, predicted that the work of that day would send a thrill of joy and hope over the land, and that it would be felt in New England "like the breeze from the sea, after a day of exhaustive heat." "When we go back to Massachusetts," he said, "and to New England, all over our hills and valleys, which are just beginning to feel the genial touch of spring, what a thrill of joy and exultation will ring along our cities, our towns and villages, our solitary farm-houses which nestle in the hollows of the hills!" With an enthusiasm hardly justified by the occasion he exclaimed, "'How beautiful upon the mountains are the feet of them that bring tidings of peace!' How beautiful upon the mountains are the feet of those who reconcile sectional discord, who bring together the North and the South and the West, and bind them together in the unity of the spirit of the bonds of peace!" Erastus Brooks, one of the editors of the New York "Express," claimed that all old party affiliations were submerged, that the convention represented a new party, not six months old. They talked of the Constitution, the Union, of compromise, conciliation, and harmony; and ex-Governor Neil S. Brown of Tennessee expressed his gratification that "the nigger" was not the subject of consideration there. The convention, so hopeful and enthusiastic, which Thaddeus Stevens aptly characterized as "a family party, and all there," then dissolved.

The elections in the autumn of 1859 and in the spring of 1860 had not been encouraging to the Republicans. They looked, therefore, with anxiety, but not without hope, to the national convention, which met at Chicago on the 16th of May. It was called to order by Edwin D. Morgan of New York, and David Wilmot was made temporary chairman. Upon taking the chair, he made a radical antislavery speech that was warmly applauded. George Ashmun of Massachu-

setts was made president. Admirably qualified for the position, he presided over the excited and enthusiastic assemblage with dignity, tact, and ability.

A series of resolutions were reported by Judge William Jessup, which were received with immense applause. Mr. Giddings moved an amendment reasserting the self-evident truths of the Declaration of Independence. He proposed, he said, to maintain these primal issues, upon which the government was founded, and upon which the Republican party was formed, had grown, and was then existing. It, however, failed, and the veteran Abolitionist retired from the convention, though earnestly importuned to remain, and assured that his amendment should be renewed. This was done by George W. Curtis of New York, who moved thus to amend the second resolution. Supporting his motion with a strong and earnest appeal, he asked members if they were ready to go upon the record before the country as voting down the Declaration of Independence, and shrinking from repeating the words that the great men of the Revolution enunciated. His eloquent appeals touched responsive chords, and his amendment was adopted with shouts of applause. Believing that the principles promulgated in the Declaration of Independence had been substantially embodied in the second resolution, the majority had not regarded the adoption of Mr. Giddings's amendment necessary; but his retirement and the earnest and lofty appeals of Mr. Curtis induced them to review their position and retrace their steps.

The resolutions denounced, as a political heresy, the new dogma that the Constitution, of its own force, carried slavery into the Territories; declared freedom to be the normal condition of the Territories; denied the authority of Congress or of a Territorial legislature to give legal existence to slavery in any Territory; branded as a crime against humanity, and a burning shame to the country and the age, the reopening of the African slave-trade; censured the vetoes, by their Territorial governors, of the acts prohibiting slavery in Kansas and Nebraska, and demanded the immediate admission of Kansas into the Union. The adoption of the platform was received



by the convention and the assembled thousands with intense enthusiasm.

Having adopted its platform, the convention proceeded to the work of selecting candidates. Mr. Evarts of New York nominated Mr. Seward, and Mr. Judd of Illinois nominated Mr. Lincoln. Cameron, Chase, Bates, and Judge McLean were also put in nomination. But it was at once apparent that the contest lay between the first two; though on the adjournment, after these names had been put in nomination, it was found that the friends of Mr. Seward were far more confident of success than were those of Mr. Lincoln. Even Mr. Greeley, who had labored incessantly to defeat it, telegraphed at midnight that Seward's nomination was probable. But, while the friends of Seward were exulting in the assurances of victory, his opponents were putting forth herculean efforts for his defeat. The men of New Jersey, Pennsylvania, Indiana, and Illinois, close and doubtful States, labored until long after midnight to defeat a nomination they deemed fatal to success. Henry S. Lane and Andrew J. Curtin, the gubernatorial candidates respectively of Indiana and Pennsylvania, deeming their States, Illinois, and New Jersey the battle-field of the contest, toiled with unflagging zeal and resolution to defeat the nomination of Mr. Seward. They appealed to the delegates from the strong Republican States to consider "success rather than Seward." Their earnest, almost frantic appeals were not unheeded, and on the reassembling of the convention the supporters of Mr. Seward began to realize that the success of their candidate was not assured.

The controlling idea with the great body of the convention was to select from the several candidates the one who could carry those Middle and Western States which had been lost in 1856. The delegates of States presenting candidates made formal calls upon those of the other States at their respective rooms. The action of the Massachusetts delegation drew out an expression which foreshadowed in a measure the final result. Having been waited upon by the delegations of Pennsylvania, New Jersey, Illinois, and Indiana, each pressing with great earnestness the difficulty, if not impossibility, of

carrying either for Mr. Seward, on motion of Ensign H. Kellogg, a committee, consisting of himself, Edward L. Pierce, and J. H. Dunham, was appointed to wait upon the delegations of these four States and to request them to present the names of three candidates, for either of whom those States could be carried. Illinois responded that it had been ascertained that it could be carried only for Mr. Lincoln. Indiana made similar reply. New Jersey presented the name of Mr. Dayton. Pennsylvania answered that it could be carried first for Mr. Cameron, readily for Judge McLean, and then for Mr. Lincoln. Thus it appeared that three of the four doubtful States had practically united on Mr. Lincoln.

On the first ballot, Seward received one hundred and seventy-three and a half votes, and Lincoln one hundred and two. On the second ballot, the former received one hundred and eighty-four votes and his competitor one hundred and eighty-one. On the third ballot, Seward had fallen to one hundred and eighty votes, and Lincoln received two hundred and thirty-one and a half, lacking but one vote and a half of the number necessary for a choice. David K. Cartter of Ohio immediately rose and announced the change of four votes from his State for Lincoln. This secured his nomination. The result was received by the convention, and by the thousands assembled in and around the great Wigwam, with thunders of applause. Delegation after delegation changed the vote of their States. Upon the formal declaration of the vote, William M. Evarts, though expressing his profound regret and grief at the failure of the convention to nominate Mr. Seward, moved that the nomination of Mr. Lincoln be made unanimous. This motion was seconded by John A. Andrew of Massachusetts, and Carl Schurz of Wisconsin, with brief and pertinent speeches. Austin Blair of Michigan, afterward governor of that State and a member of the House of Representatives, said that Michigan had, from first to last, cast her vote for the great statesman of New York; that she had nothing to take back; but that he had been put forward to say that she laid down her first, best-beloved candidate, and took up the candidate of the convention, "with some beating of the heart, with



some quivering of the veins. We have followed him with an eye single, and with unwavering faith in times past, and we marshal now behind him in the grand column which shall go out to battle for Lincoln."

The contest for the Vice-Presidency was between Cassius M. Clay, Nathaniel P. Banks, Hannibal Hamlin, Alexander H. Reeder, and John Hickman. Hamlin and Clay led on the first ballot, and on the second the former was nominated.

The defeat of Mr. Seward and the nomination of Mr. Lincoln was a surprise to the strong Republican States, and his friends, disappointed and not a little cast down, felt and declared it to be the triumph of assumed availability over pre-eminence in intellect and trained statesmanship. The action of Mr. Greeley and some other New York Republicans was bitterly commented upon and severely censured. Thurlow Weed, who had for years supported Mr. Seward with unsurpassed fidelity and zeal, was deeply disappointed and grieved. Not only had he been confident, but his confidence had inspired his candidate with a like assurance of success. So assured indeed was Mr. Seward of his nomination that he retired from the Senate to his home when the convention was assembling, not expecting to return to his seat. As he was about leaving the Senate chamber he said to Mr. Wilson that he should not return, and that he expected the nomination. "Considering your antecedents," he said, "and your relations with me here, you ought to have given me your support, but you have done more against my nomination than any member of the Senate." Mr. Wilson replied substantially: "If I could elect a President, I should nominate you or Mr. Chase; and I yet hope to see you President of the United States. But the success of the cause is paramount to all personal considerations. Like Mr. Chase, you have, by your ability and long devotion to the antislavery cause, excited prejudices and awakened conservative fears in the great States of Pennsylvania, Indiana, Illinois, New Jersey, and Connecticut, which are to be the battle-ground of the contest, and whose votes must be secured to give success; their votes in the convention will decide the nomination; and as necessity must rule at Chicago, I do not



think your name will command the necessary strength." But, reiterating his confidence, he left the chamber in company with Mr. Sumner, assured of both the nomination and election.

The friends of Mr. Lincoln were wild with joy, forming processions, kindling bonfires, illuminating their dwellings, and bearing rails through the streets of Chicago, while the Western members, jaded with their arduous efforts and the attending excitements, were gladdened on their journey homeward, in the words of Murat Halstead, "with thundering jar of cannon, the clamor of drums, the glare of bonfires, and the whooping of the boys, who were delighted with the idea of a candidate for the Presidency who thirty years ago split rails on the Sangamon River, and whose neighbors named him 'honest.'"

The little band of "radical abolitionists," in national convention, nominated Gerritt Smith for President, and Samuel McFarland of Pennsylvania for Vice-President. The "old organization" abolitionists continued to adhere to their policy of not voting, and to criticise with unsparing voice and pen the platforms and candidates of political parties. From the supporters of Douglas, Breckinridge, and Bell they saw that slavery had nothing to lose, and freedom nothing to gain. They saw, too, that the issue tendered and the contest waged by the supporters of Lincoln were against the domination of the Slave Power; that depriving slavery of its long-continued usurped political supremacy, and shutting it within impassable barriers would doom it to a sure, if not speedy death. But, though confessing that the Republican platform was an indictment of slavery; that Republican success would be a verdict against it; that if it was unfit to go into the Territories it ought to be abolished in the States; that, having no right to spread, it would have no right to live, they, nevertheless, inflexibly adhered to their policy of not voting. They not only refused to give the Republican ticket either political or moral support, but they sharply criticised the party, platform, and candidate.

Breckinridge and Lane held and defended with unswerving persistency the Southern platform, proclaimed the new dogma,

and maintained the duty of Congress to protect slavery in the Territories. The position of Douglas and Johnson, representing the doctrine of non-intervention or popular sovereignty, was equivocal and clearly incompatible with their other utterances and former commitments. In 1858, in a speech at New Orleans, Douglas had accepted the Dred Scott decision, as an authoritative exposition which recognized slaves as property, based on an equal footing with all other property, a decision that was incorporated into the platform, on which he professed to stand, as "a faithful embodiment of the principles of the Democratic party." But under that decision the vaunted doctrine of popular sovereignty, non-intervention, self-government became practically a right to introduce and protect slavery, but not a right to exclude and destroy it. He had also asserted that "the people of the Territory, while a Territory, and during a Territorial condition, may introduce, exclude, abolish, or regulate slavery just as they please."

Mr. Johnson's position on that platform was, if possible, still more inconsistent, as his previous utterances and votes were wholly antagonistic to the doctrine of popular sovereignty. A disciple of the Calhoun school, he had by voice and vote maintained its extreme doctrines. In the United States Senate he had supported the new dogma, and claimed it to be the duty of Congress to repeal an act of a Territorial legislature which prohibited slavery. In the Georgia convention, held on the 3d of June, he had reported a resolution, recognizing the Dred Scott decision, and affirming that "neither the general government nor any Territorial government can destroy or impair the slave property in the common Territories." On the 17th of September, 1856, he had proclaimed in Independence Square that "capital should own labor." And yet, with these antecedents and distinctly proclaimed opinions, and with strange seeming obliviousness thereof, he said, on accepting the nomination for the Vice-Presidency, that "the doctrine of Congressional intervention, as advocated by this new-born sectional party, is fraught with peril to the country."

Bell and Everett stood on a platform that ignored the pending issues. But they had been long in public life, and their

record and past commitments indicated their sentiments and position. Bell was a large slaveholder. In his letter of acceptance, while discarding platforms, he expressed the conviction that a man's past history was the surest guaranty of his future conduct, and he gave the assurance that he should continue in the path he had already pursued. Nor was it difficult to learn from his previous what his future course would be. He had voted in favor of allowing a Territorial legislature to pass laws to protect slave property; had recommended the policy of diffusion and extension; had held that slavery was "in accordance with the law of Nature and the will of God," had contributed to the amelioration of the condition of mankind, and was the "well spring" of the country's development and prosperity; and that emancipation would be destructive of the welfare alike of the master and the slave.

Mr. Everett's record had been more in accord with Northern sentiments. Though cautious and conservative, he had voted in favor of antislavery petitions in Congress, and, while governor of Massachusetts, had co-operated in the passage of resolutions in favor of abolishing slavery and the slave-traffic in the District of Columbia, against the inter-State slave trade, and the admission of slave States into the Union. He had, in the Senate, denounced the repeal of the Missouri compromise, and declared the extension of slavery to be "an enormous crime."

Mr. Lincoln accepted and approved of the platform of principles and sentiments, gave assurance that it should be his care not to violate or disregard it in any part, and, "imploring the assistance of Divine Providence," pledged himself to co-operate for their practical success.

The four presidential tickets and platforms, with the radical character of the issues involved, naturally became the subject of a heated canvass, and members of Congress soon took occasion to express their sentiments and conflicting estimates concerning them. Among those who canvassed the respective claims of Lincoln and Douglas were Elihu B. Washburne and Isaac N. Morris of Illinois. Of "Abraham Lincoln, his personal history and public record," Mr. Washburne, who



had known him intimately for twenty years, said: "There is an inflexible patriotism in his heart, and he has the incorruptibility of Republican principles in his soul. He has doctrines, not hatreds, and is without ambition except to do good and to serve his country." In reply, Mr. Morris, who had also known Lincoln, but who supported Mr. Douglas, spoke rather cavalierly of the Republican candidate as "a good enough sort of a man in his place; but every one who knows him knows full well he is not qualified, either by talents, force of character, or experience, to guide the ship of state,—every one who knows him knows he has no administrative ability." Of his own candidate, his character and principles, he spoke in terms of admiration and of the highest commendation.

As the canvass progressed, the Southern war-cry of disunion was echoed by Northern politicians and presses, who were alarmed themselves, or who sought to alarm others. Combinations were made between the supporters of Breckinridge and Bell in New York, New Jersey, and Pennsylvania. The chief reliance of the supporters of these combinations was upon the timidity and fear of the mercantile and moneyed classes. By the alarm-cry of impending ruin, if Lincoln should be elected, Southern braggarts and Northern demagogues sought to extort fresh concessions to the Slave Power. But these prophecies of ruin had little effect upon Republicans. Their views were aptly expressed by Carl Schurz in one of a series of brilliant speeches, made early in the canvass, in which he said, the Southern States could not attempt disunion, for "slavery would lay them helpless at the feet of the North,—that slavery which makes it uncomfortable to stay in the Union makes it impossible for them to go out of it." The Republican presses and speakers everywhere proclaimed like sentiments. But they feebly comprehended the full significance of the great movement then inaugurated; nor could they foresee the transcendent events the immediate future disclosed, or the destination of this new departure in American statesmanship.

The canvass was vigorously conducted by presses and speakers. The most eminent men, North and South, entered

into the conflict. The supporters of Breckinridge were bold and defiant, menacing disunion, should their demands be refused. Those of Bell were timid and equivocal. Douglas was zealous, fighting with desperation, audacious, and at first apparently hopeful of success. Making ever and everywhere prominent his indifference to either the existence or exclusion of slavery, he impudently enjoined upon all who exhibited any scruples concerning it to "mind their own business." But his hopes of success seem to have been soon dispelled; for, early in the canvass, while visiting New England, he expressed to Burlingame and Wilson his conviction that Lincoln would be elected, at the same time avowing his purpose to go South and urge the duty of all to submit to the verdict of the people, and to maintain the Union. A few weeks later he said to George B. Smith of Wisconsin, that he had renounced all hopes of election; but he expressed the conviction that "the Union would be safe under Mr. Lincoln, if it could be held together long enough for the development of his policy," though he confessed his fears that that could not be done.

During his visit at the South, a Norfolk editor, one of the electors on the Breckinridge ticket, propounded the question, whether the Southern States would be "justified in seceding from the Union if Abraham Lincoln is elected President." To this question Mr. Douglas promptly replied in the negative. "It is the duty of the President," he said, "and of others in authority under him, to enforce the laws of the United States as Congress passes and the courts expound them; and I, as in duty bound by my oath of fidelity to the Constitution, will exert all my power to aid the government of the United States in maintaining the supremacy of the laws against all resistance from any quarter whatsoever." Premising that, if Lincoln was elected, it would be the secessionists that would "elect him," he replied to the inquiry, whether he would join in an effort to dissolve the Union, should the Republicans succeed: "I tell them, No, never on earth." At Petersburg, he expressed the opinion that there was no evil in the country for which the Constitution and "laws do not furnish a remedy,



no grievance that can justify disunion." At Raleigh he said he was ready "to put the hemp around the neck, and hang any man who would raise the arm of resistance to the constituted authorities of the country." The country, he said, had already demonstrated its power, and now "there is one thing remaining to be done, in order to prove us capable of meeting any emergency; and, whenever the time comes, I trust the government will show itself strong enough to perform that final deed,—hang a traitor." On his return, he made speeches in Pennsylvania and New York. He made appointments at the West covering the time until the election. At Cedar Rapids, receiving a despatch, on the 8th of October, from his devoted friend, John W. Forney, announcing the result in Pennsylvania, and another announcing that of Indiana, he said to his private secretary: "Mr. Lincoln is the next President. We must try to save the Union. I will go South." Cancelling his Western engagements, he made a new programme, and started at once on a Southern tour, speaking in Kentucky, Missouri, Tennessee, Georgia, and Alabama. Speaking in Mobile the evening before the election, he learned the result the next night, in the office of the "Register." His private secretary and devoted friend, James B. Sheridan, in a letter to Mr. Wilson, says: The policy of the paper then became a question, and Mr. Forsyth, the editor, requested his associate to read to Judge Douglas an article he had written in favor of calling a State convention to deliberate on the course of Alabama. Judge Douglas opposed its publication, and Mr. Forsyth appeared to agree with him, but maintained that the only way they could manage the secession current was to appear to go with it, and, by electing their friends to the convention, control its action. But Douglas thought, and so expressed himself, that if they could not prevent the holding of the convention, they could not hope to control it when held. Forsyth insisted, however, "on publishing the article, and Douglas returned to his hotel more hopeless than I had ever before seen him."

In the course he pursued, and still purposed to pursue, he was unquestionably actuated by patriotic motives. Believing



that a conspiracy had been formed in the spring by Southern leaders, to seize the government and dismember the Union, he had striven to hold his supporters back from giving countenance to such a movement. Insisting upon the authority of the government to maintain the integrity of the nation, and upon the duty of the citizen to submit to the results of the coming election, he sought to baffle these treasonable designs. His was the patriotic course; and, though during the following months he continued to manifest his accustomed indifference to the cause of freedom and his yielding and compromising spirit, he exhibited his earnest purpose to preserve the unity and life of the nation. The morning after the fall of Sumter, in reply to the question of his friend, John W. Forney, "What is now to be done?" he said: "We must fight for our country, and forget all differences. There can be but two parties, — the party of patriots and the party of traitors. We belong to the first."

The advocates of Lincoln's election maintained, both North and South, the distinctive doctrines of the Chicago platform, believing that by so doing they were supporting a policy that would end in a peaceful, if not a speedy, extermination of slavery. Their most eminent and best-known antislavery men — Chase, Seward, Hale, Adams, Sumner, Giddings, Wade, Stevens, Wilmot, and others hardly less eminent — entered the field. In that series of radical and reformatory speeches, those of Mr. Seward were perhaps the most remarkable. For, great as was his disappointment, and sad as were his friends, at his failure to secure the nomination, he promptly announced that he entertained "no sentiments of disappointment or discontent"; and he at once threw himself into the canvass with a vigor and apparent self-abnegation that challenged the admiration of all. Addressing the citizens of Boston on the 16th of August, he prophesied victory, and assured his hearers that "with this victory comes the end of the power of slavery in the United States." Leaving his home, accompanied by Charles Francis Adams and James W. Nye, on the last day of August, he made an extended tour through the Western States, speaking constantly, and by his speeches

lifting the Republican cause up to the highest plane of anti-slavery thought and purpose. So decided, indeed, and pronounced were his opinions, that timid men thought he was going too far.

The theme of his first speech, made at Detroit, was "National Divergence and Return." After showing that the nation was devoted to the rights of man in the Revolution, he said that the national divergence began in 1820; that this divergence had continued, until at last "we have reached a point where, amid confusion, bewilderment, and mutual recriminations, it seems alike impossible to go forward or to return." He declared that the nation had "defied the moral opinions of mankind." The necessity of a return to the old national way had become at last, he contended, "absolute and imperative." Speaking confidently and hopefully, he said: "Whether you agree with me in attributing it to the interposition of Divine Providence or not, this battle has been fought, this victory has been won. Slavery to-day is, for the first time, not only powerless, but without influence in the American Republic. For the first time in the history of the Republic, the Slave Power has not even the ability to terrify or alarm the free-man so as to make him submit, and scheme, and coincide, and compromise. It rails now with a feeble voice, instead of thundering, as it did, in our ears for twenty or thirty years past. With a feeble and muttering voice they cry out that they will tear the Union to pieces. Who's afraid? Who's afraid? Nobody is afraid. Nobody can be bought. . . . This battle is fought and this victory is won, provided that you stand determined to maintain the great Republican party under its great and glorious leader, Abraham Lincoln, in inaugurating its principles into the administration of the government, and provided you stand by him in his administration, — if it shall be, as I trust it shall, a wise and just and good one, — until the adversary shall find out that he has been beaten, and shall voluntarily retire from the field."

His speech at Chicago was a thorough and masterly indictment of slavery, — confident, cheering, and hopeful. There were many other brief speeches of great power, full of anti-

slavery sentiment. Passing through Missouri, he was several times called to address proslavery audiences. Whenever he spoke, it was with fidelity to his cause. He especially reproached the people of Missouri with their denial of the right of free speech under the laws of their State. "But," said he, "the principle that every man is a free man is bound to go through all the thirty-three States of the Union, for the simple reason that it is going through the world." To this his audience responded with jeers and passionate denial. At Atchison, Kansas, he said: "In founding a new State, I do say that you must put into every man's hand, and not into the hands of the few, the ballot, or into the hands of every man the bullet, so that every man shall be equal before the law, in his power as a citizen. All men shall have the ballot, or none; all men shall have the bullet, or none."

Returning home, he made his closing speech of the canvass to his neighbors at Auburn. Reminding them that the only motive appealed to, by the supporters of Douglas, Breckinridge, and Bell, was "fear,—fear that if you elect a President of the United States according to the Constitution and the laws to-morrow, you will wake up the next day and find that you have no country for him to preside over," he told them that all who quoted and used the threat and menaces of disunionists against the performance of their duty were abettors of disunion, and they will have to make a sudden choice, whether they will go for "treason," or whether they will go "with us for Freedom, for the Constitution, and for eternal Union."

The canvass, that had so profoundly stirred the country, closed on the 6th of November by the election of Abraham Lincoln. He received one hundred and eighty electoral votes,—all the votes of the free States, excepting three in New Jersey. Douglas received twelve votes,—three in New Jersey and nine in Missouri. Bell received the thirty-nine votes of Virginia, Kentucky, and Tennessee. Breckinridge received the seventy-two votes of eleven Southern States. While Bell and Breckinridge received more than four hundred thousand votes in the free States, Lincoln and Douglas received less than two hundred thousand votes in the slave States.



Though theirs was the triumph, and that was an hour of rejoicing, thoughtful Republicans realized that their victory was incomplete. They were in a minority of nearly a million, they had failed to carry the House of Representatives, the Senate was still overwhelmingly against them, and the Supreme Court was completely under the domination of the Slave Power. Grand and inspiring as was their success, they felt that they had but carried an outpost of the great army of oppression, and that years of toil and conflict were yet before them. But the slave-masters, with clearer insight and better logic, more fully comprehended the real significance of the result. They saw how much freedom had gained and how much slavery had lost. For more than two generations they had dictated principles, shaped policies, made Presidents and cabinets, judges of the Supreme Court, Senators, and Representatives. Now, for the first time, they had been beaten, the charm of invincibility was broken, the prestige of success was gone. Their cherished policy of slavery-expansion had been arrested, and their new dogma of slavery-protection had been forever defeated. An antislavery President, sustained by two millions of antislavery men, inspired by freedom, would guide and govern the nation for four years. Armed with the power and clothed with the patronage of the national government, he could successfully appeal to Southern men. Freedom of speech and of the press would take the place of a long and enforced silence of tongue and pen. Emancipationists would spring up among themselves. Men, with new aspirations and higher purposes, would soon build on the ruins of their waning power. And slavery in the States, hedged in, surrounded, and pressed upon by the growing numbers and increasing vigor of free institutions and by the combined forces of advancing civilization and the manifest providences of God, must inevitably be put in process of ultimate, though it might be gradual extinction.

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